

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 103
97TH GENERAL ASSEMBLY

Reported from the Committee on Transportation and Infrastructure, May 7, 2013, with recommendation that the Senate Committee Substitute do pass.

0567S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 174.700, 174.703, 174.706, 301.301, 301.449, 302.341, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.013, 304.032, 304.120, 304.180, 304.820, 307.400, and 544.157, RSMo, and to enact in lieu thereof twenty-seven new sections relating to transportation, with penalty provisions and an emergency clause for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 174.700, 174.703, 174.706, 301.301, 301.449, 302.341,
2 302.700, as enacted by conference committee substitute for senate substitute for
3 senate committee substitute for house committee substitute for house bill no.
4 1402, merged with conference committee substitute for house committee
5 substitute for senate substitute for senate committee substitute for senate bill no.
6 470, merged with conference committee substitute for house committee substitute
7 no. 2 for senate committee substitute for senate bill no. 480, merged with
8 conference committee substitute for house committee substitute for senate bill no.
9 568, ninety-sixth general assembly, second regular session, 302.720, 302.735,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 302.740, 302.755, 304.013, 304.032, 304.120, 304.180, 304.820, 307.400, and
11 544.157, RSMo, are repealed and twenty-seven new sections enacted in lieu
12 thereof, to be known as sections 174.700, 174.703, 174.706, 174.709, 174.712,
13 301.301, 301.449, 302.341, 302.700, 302.720, 302.735, 302.740, 302.755, 304.013,
14 304.032, 304.120, 304.180, 304.820, 307.400, 544.157, 1, 2, 3, 4, 5, 6, and 7, to
15 read as follows:

174.700. The board of regents or board of governors of any state college
2 or university may appoint and employ as many college or university police officers
3 as it may deem necessary to **enforce regulations established under section**
4 **174.709 and general motor vehicle laws of this state in accordance with**
5 **section 174.712**, protect persons, property, and to preserve peace and good order
6 only in the public buildings, properties, grounds, and other facilities and locations
7 over which it has charge or control and to respond to emergencies or natural
8 disasters outside of the boundaries of university property and provide services if
9 requested by the law enforcement agency with jurisdiction.

174.703. 1. The college or university police officers, before they enter
2 upon their duties, shall take and subscribe an oath of office before some officer
3 authorized to administer oaths, to faithfully and impartially discharge the duties
4 thereof, which oath shall be filed in the office of the board, and the secretary of
5 the board shall give each college police officer so appointed and qualified a
6 certificate of appointment, under the seal of the board, which certificate shall
7 empower him or her with the same authority to maintain order, preserve peace
8 and make arrests as is now held by peace officers.

9 **2. The college or university police officers shall have the**
10 **authority to enforce the regulations established in section 174.709 and**
11 **general motor vehicle laws in accordance with section 174.712 on the**
12 **campus as prescribed in chapter 304.** The college or university police officer
13 may in addition expel from the public buildings, campuses, and grounds, persons
14 violating the rules and regulations that may be prescribed by the board or others
15 under the authority of the board.

16 **3.** Such officer or employee of the state college or university as may be
17 designated by the board shall have immediate charge, control and supervision of
18 police officers appointed by authority of this section. Such college or university
19 police officers shall have satisfactorily completed before appointment a training
20 course for police officers as prescribed by chapter 590 for state peace officers or,
21 by virtue of previous experience or training, have met the requirements of chapter

22 590, and have been certified under that chapter.

174.706. Nothing in sections 174.700 to 174.706 shall be construed as
2 denying the board the right to appoint guards or watchmen who shall not be
3 given the authority and powers authorized by sections 174.700 to [174.706]
4 174.712.

174.709. 1. For the purpose of promoting public safety, health,
2 and general welfare and to protect life and property, the board of
3 regents or board of governors of any state college or university may
4 establish regulations to control vehicular traffic, including speed
5 regulations, on any thoroughfare owned or maintained by the state
6 college or university and located within any of its campuses. Such
7 regulations shall be consistent with the provisions of the general motor
8 vehicle laws of this state. Upon adoption of such regulations, the state
9 college or university shall have the authority to place official traffic
10 control signals, as defined in section 300.010, on campus property.

11 2. The regulations established by the board of regents or board
12 of governors of any state college or university under subsection 1 of
13 this section shall be codified, printed, and distributed for public
14 use. Adequate signs displaying the speed limit shall be posted along
15 such thoroughfares.

16 3. Violations of any regulation established under this section
17 shall have the same effect as a violation of municipal ordinances
18 adopted under section 304.120, with penalty provisions as provided in
19 section 304.570. Points assessed against any person under section
20 302.302, for a violation of this section shall be the same as provided for
21 a violation of a county or municipal ordinance.

22 4. The provisions of this section shall apply only to moving
23 violations.

174.712. All motor vehicles operated upon any thoroughfare
2 owned or maintained by the state college or university and located
3 within any of its campuses shall be subject to the provisions of the
4 general motor vehicle laws of this state, including chapters 301, 302,
5 303, 304, 307, and 577. Violations shall have the same effect as though
6 such had occurred on public roads, streets, or highways of this state.

301.301. [1. Any person replacing a stolen license plate tab issued on or
2 after January 1, 2009, may receive at no cost up to two sets of two license plate
3 tabs per year when the application for the replacement tab is accompanied with

4 a police report that is corresponding with the stolen license plate tab.

5 2.] Any person replacing a stolen license plate tab [issued prior to
6 January 1, 2009,] may receive at no cost up to two sets of two license plate tabs
7 per year when the application for the replacement tab is accompanied with a
8 notarized affidavit verifying that such license plate tab or tabs were stolen.

 301.449. 1. Only a community college or four-year public or private
2 institution of higher education, or a foundation or organization representing the
3 college or institution, located in the state of Missouri may itself authorize or may
4 by the director of revenue be authorized to use the school's official emblem to be
5 affixed on multiyear personalized license plates as provided in this section.

6 2. Any contribution to such institution derived from this section, except
7 reasonable administrative costs, shall be used for scholarship endowment or other
8 academically related purposes. Any vehicle owner may annually apply to the
9 institution for the use of the emblem. Upon annual application and payment of
10 an emblem-use contribution to the institution, which shall be set by the governing
11 body of the institution at an amount of at least twenty-five dollars, the institution
12 shall issue to the vehicle owner, without further charge, an "emblem-use
13 authorization statement", which shall be presented by the vehicle owner to the
14 department of revenue at the time of registration. Upon presentation of the
15 annual statement and payment of the fee required for personalized license plates
16 in section 301.144, and other fees and documents which may be required by law,
17 the department of revenue shall issue a personalized license plate, which shall
18 bear the seal, emblem or logo of the institution, to the vehicle owner.

19 3. The license plate authorized by this section shall use the school colors
20 of the institution, and those colors shall be constructed upon the license plate
21 using a process to ensure that the school emblem shall be displayed upon the
22 license plate in the clearest and most attractive manner possible. Such license
23 plates shall be made with fully reflective material with a common color scheme
24 and design, shall be clearly visible at night, and shall be aesthetically attractive,
25 as prescribed by section 301.130. The license plate authorized by this section
26 shall be issued with a design approved by both the institution of higher education
27 and the advisory committee established in section 301.129.

28 4. A vehicle owner, who was previously issued a plate with an
29 institutional emblem authorized by this section and does not provide an
30 emblem-use authorization statement at a subsequent time of registration, shall
31 be issued a new plate which does not bear the institutional emblem, as otherwise

32 provided by law.

33 **5. Notwithstanding the provisions of subsection 1 of this section**
34 **or subsection 1 of section 301.3150, any community college or four-year**
35 **public or private institution of higher education, or any foundation or**
36 **organization representing the college or institution, located outside of**
37 **the state of Missouri, which has authorized the use of its official**
38 **emblem to be affixed on multiyear personalized license plates and has**
39 **had its application for a specialty license plate approved by the joint**
40 **committee on transportation oversight under section 301.3150 prior to**
41 **August 28, 2012, may continue to authorize the use of its official**
42 **emblem on such plates. Nothing in subsection 1 of this section shall be**
43 **construed to prohibit the manufacture or renewal of multiyear**
44 **personalized license plates bearing out-of-state university, college, or**
45 **institution of private learning official emblems if such license plates**
46 **were approved by the joint committee on transportation oversight**
47 **under section 301.3150 prior to August 28, 2012.**

48 **6.** The director of revenue shall make necessary rules and regulations for
49 the enforcement of this section, and shall design all necessary forms including
50 establishing a minimum number of license plates which can be issued with the
51 authorized emblem of a participating institution.

302.341. 1. If a Missouri resident charged with a moving traffic violation
2 of this state or any county or municipality of this state fails to dispose of the
3 charges of which the resident is accused through authorized prepayment of fine
4 and court costs and fails to appear on the return date or at any subsequent date
5 to which the case has been continued, or without good cause fails to pay any fine
6 or court costs assessed against the resident for any such violation within the
7 period of time specified or in such installments as approved by the court or as
8 otherwise provided by law, any court having jurisdiction over the charges shall
9 within ten days of the failure to comply inform the defendant by ordinary mail
10 at the last address shown on the court records that the court will order the
11 director of revenue to suspend the defendant's driving privileges if the charges
12 are not disposed of and fully paid within thirty days from the date of
13 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges
14 and fully pay any applicable fines and court costs, the court shall notify the
15 director of revenue of such failure and of the pending charges against the
16 defendant. Upon receipt of this notification, the director shall suspend the

17 license of the driver, effective immediately, and provide notice of the suspension
18 to the driver at the last address for the driver shown on the records of the
19 department of revenue. Such suspension shall remain in effect until the court
20 with the subject pending charge requests setting aside the noncompliance
21 suspension pending final disposition, or satisfactory evidence of disposition of
22 pending charges and payment of fine and court costs, if applicable, is furnished
23 to the director by the individual. Upon proof of disposition of charges and
24 payment of fine and court costs, if applicable, and payment of the reinstatement
25 fee as set forth in section 302.304, the director shall return the license and
26 remove the suspension from the individual's driving record if the individual was
27 not operating a commercial motor vehicle or a commercial driver's license holder
28 at the time of the offense. The filing of financial responsibility with the bureau
29 of safety responsibility, department of revenue, shall not be required as a
30 condition of reinstatement of a driver's license suspended solely under the
31 provisions of this section.

32 2. If any city, town [or], village, **or county** receives more than
33 [~~thirty-five~~] **twenty** percent of its annual general operating revenue from fines
34 and court costs for traffic violations, **including amended charges from any**
35 **traffic violation**, occurring [on state highways] **within the city, town,**
36 **village, or county**, all revenues from such violations in excess of [~~thirty-five~~]
37 **twenty** percent of the annual general operating revenue of the city, town [or],
38 village, **or county** shall be sent to the director of the department of revenue and
39 shall be distributed annually to the schools of the county in the same manner
40 that proceeds of all penalties, forfeitures and fines collected for any breach of the
41 penal laws of the state are distributed. [For the purpose of this section the words
42 "state highways" shall mean any state or federal highway, including any such
43 highway continuing through the boundaries of a city, town or village with a
44 designated street name other than the state highway number.] The director of the
45 department of revenue shall set forth by rule a procedure whereby excess
46 revenues as set forth above shall be sent to the department of revenue. If any
47 city, town, [or] village, **or county** disputes a determination that it has received
48 excess revenues required to be sent to the department of revenue, such city, town,
49 [or], village, **or county** may submit to an annual audit by the state auditor
50 under the authority of article IV, section 13 of the Missouri Constitution. **An**
51 **accounting of the percent of annual general operating revenue from**
52 **finances and court costs for traffic violations, including amended charges**

53 from any charged traffic violation, occurring within the city, town,
54 village, or county and charged in the municipal court of that city, town,
55 village, or county shall be included in the Comprehensive Annual
56 Financial Report submitted to the state auditor by the city, town,
57 village, or county under section 105.145. Any city, town, village, or
58 county which fails to make an accurate or timely report, or to send
59 excess revenues from such violations to the director of the department
60 of revenue by the date on which the report is due to the state auditor
61 shall suffer an immediate loss of jurisdiction of the municipal court of
62 said city, town, village, or county on all traffic-related charges until all
63 requirements of this section are satisfied. Any rule or portion of a rule, as
64 that term is defined in section 536.010, that is created under the authority
65 delegated in this section shall become effective only if it complies with and is
66 subject to all of the provisions of chapter 536 and, if applicable, section
67 536.028. This section and chapter 536 are nonseverable and if any of the powers
68 vested with the general assembly under chapter 536 to review, to delay the
69 effective date, or to disapprove and annul a rule are subsequently held
70 unconstitutional, then the grant of rulemaking authority and any rule proposed
71 or adopted after August 28, 2009, shall be invalid and void.

72 **3. As used in subsection 2 of this section, traffic violations shall**
73 **include all ordinance violations which are detected through the use of**
74 **an automated traffic enforcement system, regardless of whether the**
75 **ordinance violation is prosecuted as a civil infraction or not. An**
76 **"automated traffic enforcement system" means a camera, optical device,**
77 **electronic system, or other surveillance system designed to record and**
78 **produce photographic images, video, or other digital data of a motor**
79 **vehicle, a motor vehicle's operator, or both, violating a traffic control**
80 **signal, speed restriction, or other traffic law, ordinance or**
81 **regulation. Automated traffic enforcement systems shall also include**
82 **automated speed enforcement systems. The term "automated speed**
83 **enforcement system" means a device with one or more motor vehicle**
84 **sensors, including, but not limited to, photographic devices, radar**
85 **devices, laser devices, or other electrical or mechanical devices,**
86 **designed to record the speed of a motor vehicle and to obtain a clear**
87 **photograph or other recorded image of the motor vehicle and the motor**
88 **vehicle's license plate, which automatically produces one or more**
89 **photographs, one or more microphotographs, a videotape, or other**

90 **recorded image of a motor vehicle at the time it is used or operated in**
91 **violation of the posted speed limit.**

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and
4 phrases mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but
6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one
8 hundred milliliters of blood or the number of grams of alcohol per two hundred
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters
10 of urine;

11 (3) **"CDL driver", a person holding or required to hold a**
12 **commercial driver's license (CDL);**

13 (4) "CDLIS driver record", the electronic record of the individual
14 commercial driver's status and history stored by the state of record as part of the
15 Commercial Driver's License Information System (CDLIS) established under 49
16 U.S.C. Section 31309, et seq.;

17 [(4)] (5) "CDLIS motor vehicle record (CDLIS MVR)", a report generated
18 from the CDLIS driver record which meets the requirements for access to CDLIS
19 information and is provided by states to users authorized in 49 CFR [Part] 384,
20 subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections
21 2721 to 2725, et seq.;

22 [(5)] (6) "Commercial driver's instruction permit", a **commercial**
23 **learner's permit issued [pursuant to section 302.720] to an individual by a**
24 **state or other jurisdiction of domicile in accordance with the standards**
25 **contained in 49 CFR 383, which, when carried with a valid driver's**
26 **license issued by the same state or jurisdiction, authorizes the**
27 **individual to operate a class of commercial motor vehicle when**
28 **accompanied by a holder of a valid commercial driver's license for**
29 **purposes of behind-the-wheel training. When issued to a commercial**
30 **driver's license holder, a commercial learner's permit serves as**
31 **authorization for accompanied behind-the-wheel training in a**
32 **commercial motor vehicle for which the holder's current commercial**
33 **driver's license is not valid;**

34 [(6)] (7) "Commercial driver's license (CDL)", a license issued by this

35 state **or other jurisdiction of domicile in accordance with 49 CFR 383** [to
36 an individual] which authorizes the individual to operate a **class of** commercial
37 motor vehicle;

38 [(7)] **(8)** "Commercial driver's license downgrade", occurs when:

39 (a) A driver changes the self-certification to interstate, but operates
40 exclusively in transportation or operation excepted from 49 CFR [Part] 391, as
41 provided in 49 CFR [Part] 390.3(f), 391.2, 391.68, or 398.3;

42 (b) A driver changes the self-certification to intrastate only, if the driver
43 qualifies under the state's physical qualification requirements for intrastate only;

44 (c) A driver changes the self-certification to intrastate, but operating
45 exclusively in transportation or operations excepted from all or part of the state
46 driver qualification requirements; or

47 (d) The state removes the commercial driver's license privilege from the
48 driver's license;

49 [(8)] **(9)** "Commercial driver's license information system (CDLIS)", the
50 information system established pursuant to the Commercial Motor Vehicle Safety
51 Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating
52 information related to the licensing and identification of commercial motor vehicle
53 drivers;

54 [(9)] **(10)** "Commercial motor vehicle", a motor vehicle [designed or used
55 to] **or combination of motor vehicles used in commerce to** transport
56 passengers or property:

57 (a) If the vehicle has a gross combination weight rating **or gross**
58 **combination weight** of twenty-six thousand one or more pounds inclusive of a
59 towed unit which has a gross vehicle weight rating [of] **or gross vehicle weight**
60 **of more than** ten thousand one pounds or more, **whichever is greater**;

61 (b) If the vehicle has a gross vehicle weight rating **or gross vehicle**
62 **weight** of twenty-six thousand one or more pounds [or such lesser rating as
63 determined by federal regulation], **whichever is greater**;

64 (c) If the vehicle is designed to transport sixteen or more passengers,
65 including the driver; or

66 (d) If the vehicle is transporting hazardous materials and is required to
67 be placarded under the Hazardous Materials Transportation Act (46 U.S.C.
68 **Section** 1801, et seq.);

69 [(10)] **(11)** "Controlled substance", any substance so classified under
70 Section 102(6) of the Controlled Substances Act (21 U.S.C. **Section** 802(6)), and

71 includes all substances listed in schedules I through V of 21 CFR [Part] 1308, as
72 they may be revised from time to time;

73 [(11)] (12) "Conviction", an unvacated adjudication of guilt, including
74 pleas of guilt and nolo contendere, or a determination that a person has violated
75 or failed to comply with the law in a court of original jurisdiction or an authorized
76 administrative proceeding, an unvacated forfeiture of bail or collateral deposited
77 to secure the person's appearance in court, the payment of a fine or court cost, or
78 violation of a condition of release without bail, regardless of whether the penalty
79 is rebated, suspended or prorated, including an offense for failure to appear or
80 pay;

81 [(12)] (13) "Director", the director of revenue or his authorized
82 representative;

83 [(13)] (14) "Disqualification", any of the following three actions:

84 (a) The suspension, revocation, or cancellation of a commercial driver's
85 license **or commercial driver's instruction permit**;

86 (b) Any withdrawal of a person's privileges to drive a commercial motor
87 vehicle by a state, Canada, or Mexico as the result of a violation of federal, state,
88 county, municipal, or local law relating to motor vehicle traffic control or
89 violations committed through the operation of motor vehicles, other than parking,
90 vehicle weight, or vehicle defect violations;

91 (c) A determination by the Federal Motor Carrier Safety Administration
92 that a person is not qualified to operate a commercial motor vehicle under 49
93 CFR [Part] 383.52 or [Part] 391;

94 [(14)] (15) "Drive", to drive, operate or be in physical control of a
95 commercial motor vehicle;

96 [(15)] (16) "Driver", any person who drives, operates, or is in physical
97 control of a motor vehicle, or who is required to hold a commercial driver's
98 license;

99 [(16)] (17) "Driver applicant", an individual who applies to obtain,
100 transfer, upgrade, or renew a commercial driver's license **or commercial**
101 **driver's instruction permit** in this state;

102 [(17)] (18) "Driving under the influence of alcohol", the commission of
103 any one or more of the following acts:

104 (a) Driving a commercial motor vehicle with the alcohol concentration of
105 four one-hundredths of a percent or more as prescribed by the [secretary]
106 **Secretary** or such other alcohol concentration as may be later determined by the

107 [secretary] **Secretary** by regulation;

108 (b) Driving a commercial or noncommercial motor vehicle while
109 intoxicated in violation of any federal or state law, or in violation of a county or
110 municipal ordinance;

111 (c) Driving a commercial or noncommercial motor vehicle with excessive
112 blood alcohol content in violation of any federal or state law, or in violation of a
113 county or municipal ordinance;

114 (d) Refusing to submit to a chemical test in violation of section 577.041,
115 section 302.750, any federal or state law, or a county or municipal ordinance; or

116 (e) Having any state, county or municipal alcohol-related enforcement
117 contact, as defined in subsection 3 of section 302.525; provided that any
118 suspension or revocation pursuant to section 302.505, committed in a
119 noncommercial motor vehicle by an individual twenty-one years of age or older
120 shall have been committed by the person with an alcohol concentration of at least
121 eight-hundredths of one percent or more, or in the case of an individual who is
122 less than twenty-one years of age, shall have been committed by the person with
123 an alcohol concentration of at least two-hundredths of one percent or more, and
124 if committed in a commercial motor vehicle, a concentration of four-hundredths
125 of one percent or more;

126 [(18)] **(19)** "Driving under the influence of a controlled substance", the
127 commission of any one or more of the following acts in a commercial or
128 noncommercial motor vehicle:

129 (a) Driving a commercial or noncommercial motor vehicle while under the
130 influence of any substance so classified under Section 102(6) of the Controlled
131 Substances Act (21 U.S.C. **Section** 802(6)), including any substance listed in
132 schedules I through V of 21 CFR [Part] 1308, as they may be revised from time
133 to time;

134 (b) Driving a commercial or noncommercial motor vehicle while in a
135 drugged condition in violation of any federal or state law or in violation of a
136 county or municipal ordinance; or

137 (c) Refusing to submit to a chemical test in violation of section 577.041,
138 section 302.750, any federal or state law, or a county or municipal ordinance;

139 [(19)] **(20)** "**Electronic device**", includes **but is not limited to a**
140 **cellular telephone, personal digital assistant, pager, computer, or any**
141 **other device used to input, write, send, receive, or read text;**

142 **(21)** "Employer", any person, including the United States, a state, or a

143 political subdivision of a state, who owns or leases a commercial motor vehicle or
144 assigns a driver to operate such a vehicle;

145 [(20)] **(22)** "Endorsement", an authorization on an individual's
146 commercial driver's license [permitting] **or commercial learner's permit**
147 **required to permit** the individual to operate certain types of commercial motor
148 vehicles;

149 [(21)] **(23)** "Farm vehicle", a commercial motor vehicle controlled and
150 operated by a farmer used exclusively for the transportation of agricultural
151 products, farm machinery, farm supplies, or a combination of these, within one
152 hundred fifty miles of the farm, other than one which requires placarding for
153 hazardous materials as defined in this section, or used in the operation of a
154 common or contract motor carrier, except that a farm vehicle shall not be a
155 commercial motor vehicle when the total combined gross weight rating does not
156 exceed twenty-six thousand one pounds when transporting fertilizers as defined
157 in subdivision [(27)] **(29)** of this subsection;

158 [(22)] **(24)** "Fatality", the death of a person as a result of a motor vehicle
159 accident;

160 [(23)] **(25)** "Felony", any offense under state or federal law that is
161 punishable by death or imprisonment for a term exceeding one year;

162 [(24)] **(26)** "Foreign", outside the fifty states of the United States and the
163 District of Columbia;

164 [(25)] **(27)** "Gross combination weight rating" or "GCWR", the value
165 specified by the manufacturer as the loaded weight of a combination (articulated)
166 vehicle. In the absence of a value specified by the manufacturer, GCWR will be
167 determined by adding the GVWR of the power unit and the total weight of the
168 towed unit and any load thereon;

169 [(26)] **(28)** "Gross vehicle weight rating" or "GVWR", the value specified
170 by the manufacturer as the loaded weight of a single vehicle;

171 [(27)] **(29)** "Hazardous materials", any material that has been designated
172 as hazardous under 49 U.S.C. Section 5103 and is required to be placarded under
173 subpart F of CFR [Part] 172 or any quantity of a material listed as a select agent
174 or toxin in 42 CFR [Part] 73. Fertilizers, including but not limited to ammonium
175 nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or
176 special fuel, shall not be considered hazardous materials when transported by a
177 farm vehicle provided all other provisions of this definition are followed;

178 [(28)] **(30)** "Imminent hazard", the existence of a condition that presents

179 a substantial likelihood that death, serious illness, severe personal injury, or a
180 substantial endangerment to health, property, or the environment may occur
181 before the reasonably foreseeable completion date of a formal proceeding begins
182 to lessen the risk of that death, illness, injury, or endangerment;

183 [(29)] (31) "Issuance", the initial licensure, license transfers, license
184 renewals, and license upgrades;

185 [(30)] (32) **"Manual transmission" (also known as a stick shift,**
186 **stick, straight drive or standard transmission), a transmission utilizing**
187 **a driver-operated clutch that is activated by a pedal or lever and a**
188 **gear-shift mechanism operated either by hand or foot. All other**
189 **transmissions, whether semi-automatic or automatic, will be considered**
190 **automatic for the purposes of the standardized restriction code;**

191 (33) "Medical examiner", a person who is licensed, certified, or registered,
192 in accordance with applicable state laws and regulations, to perform physical
193 examinations. The term includes, but is not limited to, doctors of medicine,
194 doctors of osteopathy, physician assistants, advanced practice nurses, and doctors
195 of chiropractic;

196 [(31)] (34) "Medical variance", when a driver has received one of the
197 following that allows the driver to be issued a medical certificate:

198 (a) An exemption letter permitting operation of a commercial motor
199 vehicle under 49 CFR [Part] 381, Subpart C or 49 CFR [Part] 391.64;

200 (b) A skill performance evaluation certificate permitting operation of a
201 commercial motor vehicle under 49 CFR [Part] 391.49;

202 [(32)] (35) **"Mobile telephone", a mobile communication device**
203 **that is classified as or uses any commercial mobile radio service, as**
204 **defined in the regulations of the Federal Communications Commission,**
205 **47 CFR 20.3, but does not include two-way or citizens band radio**
206 **services;**

207 (36) "Motor vehicle", any self-propelled vehicle not operated exclusively
208 upon tracks;

209 [(33)] (37) "Noncommercial motor vehicle", a motor vehicle or
210 combination of motor vehicles not defined by the term "commercial motor vehicle"
211 in this section;

212 [(34)] (38) "Out of service", a temporary prohibition against the operation
213 of a commercial motor vehicle by a particular driver, or the operation of a
214 particular commercial motor vehicle, or the operation of a particular motor

215 carrier;

216 [(35)] **(39)** "Out-of-service order", a declaration by an authorized
217 enforcement officer of a federal, state, Canadian, Mexican or any local
218 jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier
219 operation, is out of service under 49 CFR [Part] 386.72, 392.5, 392.9a, 395.13, or
220 396.9, or comparable laws, or the North American Standard Out-of-Service
221 Criteria;

222 [(36)] **(40)** "School bus", a commercial motor vehicle used to transport
223 preprimary, primary, or secondary school students from home to school, from
224 school to home, or to and from school-sponsored events. School bus does not
225 include a bus used as a common carrier as defined by the Secretary;

226 [(37)] **(41)** "Secretary", the Secretary of Transportation of the United
227 States;

228 [(38)] **(42)** "Serious traffic violation", driving a commercial motor vehicle
229 in such a manner that the driver receives a conviction for the following offenses
230 or driving a noncommercial motor vehicle when the driver receives a conviction
231 for the following offenses and the conviction results in the suspension or
232 revocation of the driver's license or noncommercial motor vehicle driving
233 privilege:

234 (a) Excessive speeding, as defined by the Secretary by regulation;

235 (b) Careless, reckless or imprudent driving which includes, but shall not
236 be limited to, any violation of section 304.016, any violation of section 304.010,
237 or any other violation of federal or state law, or any county or municipal
238 ordinance while driving a commercial motor vehicle in a willful or wanton
239 disregard for the safety of persons or property, or improper or erratic traffic lane
240 changes, or following the vehicle ahead too closely, but shall not include careless
241 and imprudent driving by excessive speed;

242 (c) A violation of any federal or state law or county or municipal ordinance
243 regulating the operation of motor vehicles arising out of an accident or collision
244 which resulted in death to any person, other than a parking violation;

245 (d) Driving a commercial motor vehicle without obtaining a commercial
246 driver's license in violation of any federal or state or county or municipal
247 ordinance;

248 (e) Driving a commercial motor vehicle without a commercial driver's
249 license in the driver's possession in violation of any federal or state or county or
250 municipal ordinance. Any individual who provides proof to the court which has

251 jurisdiction over the issued citation that the individual held a valid commercial
252 driver's license on the date that the citation was issued shall not be guilty of this
253 offense;

254 (f) Driving a commercial motor vehicle without the proper commercial
255 driver's license class or endorsement for the specific vehicle group being operated
256 or for the passengers or type of cargo being transported in violation of any federal
257 or state law or county or municipal ordinance; [or]

258 (g) **Violating a state or local law or ordinance on motor vehicle**
259 **traffic control prohibiting texting while driving a commercial motor**
260 **vehicle;**

261 (h) **Violating a state or local law or ordinance on motor vehicle**
262 **traffic control restricting or prohibiting the use of a hand-held mobile**
263 **telephone while driving a commercial motor vehicle; or**

264 (i) Any other violation of a federal or state law or county or municipal
265 ordinance regulating the operation of motor vehicles, other than a parking
266 violation, as prescribed by the [secretary] **Secretary** by regulation;

267 [(39)] **(43) "State", a state of the United States, including the District**
268 **of Columbia;**

269 [(40)] **(44) "Tank vehicle", any commercial motor vehicle that is**
270 **designed to transport any liquid or gaseous materials within a tank or**
271 **tanks having an individual rated capacity of more than one hundred**
272 **nineteen gallons and an aggregate rated capacity of one thousand**
273 **gallons or more that is either permanently or temporarily attached to**
274 **the vehicle or the chassis. A commercial motor vehicle transporting an**
275 **empty storage container tank, not designed for transportation, with a**
276 **rated capacity of one thousand gallons or more, that is temporarily**
277 **attached to a flatbed trailer is not considered a tank vehicle;**

278 (45) **"Texting", manually entering alphanumeric text into, or**
279 **reading text from, an electronic device. This action includes but is not**
280 **limited to short message service, e-mailing, instant messaging,**
281 **commanding or requesting access to a website, pressing more than a**
282 **single button to initiate or terminate a voice communication using a**
283 **mobile telephone, or engaging in any other form of electronic text**
284 **retrieval or entry, for present or future communication. Texting does**
285 **not include:**

286 (a) **Inputting, selecting, or reading information on a global**

287 **positioning system or navigation system;**

288 **(b) Pressing a single button to initiate or terminate a voice**
289 **communication using a mobile telephone; or**

290 **(c) Using a device capable of performing multiple functions (e.g.,**
291 **fleet management systems, dispatching devices, smart phones, citizens**
292 **band radios, music players) for a purpose that is not otherwise**
293 **prohibited in this part;**

294 **(46)** "United States", the fifty states and the District of Columbia.

302.720. 1. Except when operating under an instruction permit as
2 described in this section, no person may drive a commercial motor vehicle unless
3 the person has been issued a commercial driver's license with applicable
4 endorsements valid for the type of vehicle being operated as specified in sections
5 302.700 to 302.780. A commercial driver's instruction permit shall allow the
6 holder of a valid license to operate a commercial motor vehicle when accompanied
7 by the holder of a commercial driver's license valid for the vehicle being operated
8 and who occupies a seat beside the individual, or reasonably near the individual
9 in the case of buses, for the purpose of giving instruction in driving the
10 commercial motor vehicle. **No person may be issued a commercial driver's**
11 **instruction permit until he or she has passed written tests which**
12 **comply with the minimum federal standards.** A commercial driver's
13 instruction permit shall be valid for the vehicle being operated for a period of not
14 more than six months, and shall not be issued until the permit holder has met all
15 other requirements of sections 302.700 to 302.780, except for the driving test. A
16 permit holder, unless otherwise disqualified, may be granted one six-month
17 renewal within a one-year period. The fee for such permit or renewal shall be
18 five dollars. In the alternative, a commercial driver's instruction permit shall be
19 issued for a thirty-day period to allow the holder of a valid driver's license to
20 operate a commercial motor vehicle if the applicant has completed all other
21 requirements except the driving test. The permit may be renewed for one
22 additional thirty-day period and the fee for the permit and for renewal shall be
23 five dollars.

24 2. No person may be issued a commercial driver's license until he has
25 passed written and driving tests for the operation of a commercial motor vehicle
26 which complies with the minimum federal standards established by the Secretary
27 and has satisfied all other requirements of the Commercial Motor Vehicle Safety
28 Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements

29 imposed by state law. **All applicants for a commercial driver's license**
30 **shall have maintained the appropriate class of commercial driver's**
31 **instruction permit issued by this state or any other state for a**
32 **minimum of fourteen calendar days prior to the date of taking the**
33 **skills test.** Applicants for a hazardous materials endorsement must also meet
34 the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56)
35 as specified and required by regulations promulgated by the Secretary. Nothing
36 contained in this subsection shall be construed as prohibiting the director from
37 establishing alternate testing formats for those who are functionally illiterate;
38 provided, however, that any such alternate test must comply with the minimum
39 requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of
40 Pub. Law 99-570) as established by the Secretary.

41 (1) The written and driving tests shall be held at such times and in such
42 places as the superintendent may designate. A twenty-five dollar examination
43 fee shall be paid by the applicant upon completion of any written or driving test,
44 except the examination fee shall be waived for applicants seventy years of age or
45 older renewing a license with a school bus endorsement. The director shall
46 delegate the power to conduct the examinations required under sections 302.700
47 to 302.780 to any member of the highway patrol or any person employed by the
48 highway patrol qualified to give driving examinations. The written test shall only
49 be administered in the English language. No translators shall be allowed for
50 applicants taking the test.

51 (2) The director shall adopt and promulgate rules and regulations
52 governing the certification of third-party testers by the department of
53 revenue. Such rules and regulations shall substantially comply with the
54 requirements of 49 CFR [Part] 383, Section 383.75. A certification to conduct
55 third-party testing shall be valid for one year, and the department shall charge
56 a fee of one hundred dollars to issue or renew the certification of any third-party
57 tester.

58 (3) Beginning August 28, 2006, the director shall only issue or renew
59 third-party tester certification to community colleges established under chapter
60 178 or to private companies who own, lease, or maintain their own fleet and
61 administer in-house testing to their employees, or to school districts and their
62 agents that administer in-house testing to the school district's or agent's
63 employees. Any third-party tester who violates any of the rules and regulations
64 adopted and promulgated pursuant to this section shall be subject to having his

65 certification revoked by the department. The department shall provide written
66 notice and an opportunity for the third-party tester to be heard in substantially
67 the same manner as provided in chapter 536. If any applicant submits evidence
68 that he has successfully completed a test administered by a third-party tester, the
69 actual driving test for a commercial driver's license may then be waived.

70 (4) Every applicant for renewal of a commercial driver's license shall
71 provide such certifications and information as required by the [secretary]
72 **Secretary** and if such person transports a hazardous material must also meet
73 the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56)
74 as specified and required by regulations promulgated by the Secretary. Such
75 person shall be required to take the written test for such endorsement. A
76 twenty-five dollar examination fee shall be paid upon completion of such tests.

77 (5) The director shall have the authority to waive the driving skills test
78 for any qualified military applicant for a commercial driver's license who is
79 currently licensed at the time of application for a commercial driver's
80 license. The director shall impose conditions and limitations to restrict the
81 applicants from whom the department may accept alternative requirements for
82 the skills test described in federal regulation 49 [C.F.R.] **CFR** 383.77. An
83 applicant must certify that, during the two-year period immediately preceding
84 application for a commercial driver's license, all of the following apply:

85 (a) The applicant has not had more than one license;

86 (b) The applicant has not had any license suspended, revoked, or
87 cancelled;

88 (c) The applicant has not had any convictions for any type of motor vehicle
89 for the disqualifying offenses contained in this chapter or federal rule 49 [C.F.R.]
90 **CFR** 383.51(b);

91 (d) The applicant has not had more than one conviction for any type of
92 motor vehicle for serious traffic violations;

93 (e) The applicant has not had any conviction for a violation of state or
94 local law relating to motor vehicle traffic control, but not including any parking
95 violation, arising in connection with any traffic accident, and has no record of an
96 accident in which he or she was at fault;

97 (f) The applicant [is] **has been** regularly employed [in a job] **within the**
98 **last ninety days in a military position** requiring operation of a commercial
99 motor vehicle and has operated the vehicle for at least sixty days during the two
100 years immediately preceding application for a commercial driver's license. The

101 vehicle must be representative of the commercial motor vehicle the driver
102 applicant operates or expects to operate;

103 (g) The applicant, if on active duty, must provide a notarized affidavit
104 signed by a commanding officer as proof of driving experience as indicated in
105 paragraph (f) of this subdivision;

106 (h) The applicant, if honorably discharged from military service, must
107 provide a form-DD214 or other proof of military occupational specialty;

108 (i) The applicant must meet all federal and state qualifications to operate
109 a commercial vehicle; and

110 (j) The applicant will be required to complete all applicable knowledge
111 tests.

112 3. A commercial driver's license **or commercial driver's instruction**
113 **permit** may not be issued to a person while the person is disqualified from
114 driving a commercial motor vehicle, when a disqualification is pending in any
115 state or while the person's driver's license is suspended, revoked, or [cancelled]
116 **canceled** in any state; nor may a commercial driver's license be issued unless the
117 person first surrenders in a manner prescribed by the director any commercial
118 driver's license issued by another state, which license shall be returned to the
119 issuing state for cancellation.

120 4. Beginning July 1, 2005, the director shall not issue an instruction
121 permit under this section unless the director verifies that the applicant is
122 lawfully present in the United States before accepting the application. The
123 director may, by rule or regulation, establish procedures to verify the lawful
124 presence of the applicant under this section. No rule or portion of a rule
125 promulgated pursuant to the authority of this section shall become effective
126 unless it has been promulgated pursuant to chapter 536.

127 5. Notwithstanding the provisions of this section or any other law to the
128 contrary, beginning August 28, 2008, the director of the department of revenue
129 shall certify as a third-party tester any municipality that owns, leases, or
130 maintains its own fleet that requires certain employees as a condition of
131 employment to hold a valid commercial driver's license; and that administered
132 in-house testing to such employees prior to August 28, 2006.

302.735. 1. An application shall not be taken from a nonresident after
2 September 30, 2005. The application for a commercial driver's license shall
3 include, but not be limited to, the applicant's legal name, mailing and residence
4 address, if different, a physical description of the person, including sex, height,

5 weight and eye color, the person's Social Security number, date of birth and any
6 other information deemed appropriate by the director. The application shall also
7 require, beginning September 30, 2005, the applicant to provide the names of all
8 states where the applicant has been previously licensed to drive any type of motor
9 vehicle during the preceding ten years.

10 2. A commercial driver's license shall expire on the applicant's birthday
11 in the sixth year after issuance, unless the license must be issued for a shorter
12 period due to other requirements of law or for transition or staggering of work as
13 determined by the director, and must be renewed on or before the date of
14 expiration. When a person changes such person's name an application for a
15 duplicate license shall be made to the director of revenue. When a person
16 changes such person's mailing address or residence the applicant shall notify the
17 director of revenue of said change, however, no application for a duplicate license
18 is required. A commercial license issued pursuant to this section to an applicant
19 less than twenty-one years of age and seventy years of age and older shall expire
20 on the applicant's birthday in the third year after issuance, unless the license
21 must be issued for a shorter period as determined by the director.

22 3. A commercial driver's license containing a hazardous materials
23 endorsement issued to an applicant who is between the age of twenty-one and
24 sixty-nine shall not be issued for a period exceeding five years from the approval
25 date of the security threat assessment as determined by the Transportation
26 Security Administration.

27 4. The director shall issue an annual commercial driver's license
28 containing a school bus endorsement to an applicant who is seventy years of age
29 or older. The fee for such license shall be seven dollars and fifty cents.

30 5. A commercial driver's license containing a hazardous materials
31 endorsement issued to an applicant who is seventy years of age or older shall not
32 be issued for a period exceeding three years. The director shall not require such
33 drivers to obtain a security threat assessment more frequently than such
34 assessment is required by the Transportation Security Administration under the
35 Uniting and Strengthening America by Providing Appropriate Tools Required to
36 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

37 (1) The state shall immediately revoke a hazardous materials
38 endorsement upon receipt of an initial determination of threat assessment and
39 immediate revocation from the Transportation Security Administration as defined
40 by 49 CFR 1572.13(a).

41 (2) The state shall revoke or deny a hazardous materials endorsement
42 within fifteen days of receipt of a final determination of threat assessment from
43 the Transportation Security Administration as required by CFR 1572.13(a).

44 6. The fee for a commercial driver's license or renewal commercial driver's
45 license issued for a period greater than three years shall be forty dollars.

46 7. The fee for a commercial driver's license or renewal commercial driver's
47 license issued for a period of three years or less shall be twenty dollars.

48 8. The fee for a duplicate commercial driver's license shall be twenty
49 dollars.

50 9. In order for the director to properly transition driver's license
51 requirements under the Motor Carrier Safety Improvement Act of 1999 and the
52 Uniting and Strengthening America by Providing Appropriate Tools Required to
53 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director
54 is authorized to stagger expiration dates and make adjustments for any fees,
55 including driver examination fees that are incurred by the driver as a result of
56 the initial issuance of a transitional license required to comply with such acts.

57 10. Within thirty days after moving to this state, the holder of a
58 commercial driver's license shall apply for a commercial driver's license in this
59 state. The applicant shall meet all other requirements of sections 302.700 to
60 302.780, except that the director may waive the driving test for a commercial
61 driver's license as required in section 302.720 if the applicant for a commercial
62 driver's license has a valid commercial driver's license from a state which has
63 requirements for issuance of such license comparable to those in this state.

64 11. Any person who falsifies any information in an application or test for
65 a commercial driver's license shall not be licensed to operate a commercial motor
66 vehicle, or the person's commercial driver's license shall be **[cancelled] canceled**,
67 for a period of one year after the director discovers such falsification.

68 12. Beginning July 1, 2005, the director shall not issue a commercial
69 driver's license under this section unless the director verifies that the applicant
70 is lawfully present in the United States before accepting the application. If
71 lawful presence is granted for a temporary period, no commercial driver's license
72 shall be issued. The director may, by rule or regulation, establish procedures to
73 verify the lawful presence of the applicant and establish the duration of any
74 commercial driver's license issued under this section. No rule or portion of a rule
75 promulgated pursuant to the authority of this section shall become effective
76 unless it has been promulgated pursuant to chapter 536.

77 13. (1) Effective December 19, 2005, notwithstanding any provisions of
78 subsections 1 and 5 of this section to the contrary, the director may issue a
79 [nonresident] **nondomiciled** commercial driver's license **or commercial**
80 **driver's instruction permit** to a resident of a foreign jurisdiction if the United
81 States Secretary of Transportation has determined that the commercial motor
82 vehicle testing and licensing standards in the foreign jurisdiction do not meet the
83 testing standards established in 49 [C.F.R. Part] **CFR 383**.

84 (2) Any applicant for a [nonresident] **nondomiciled** commercial driver's
85 license **or commercial driver's instruction permit** must present evidence
86 satisfactory to the director that the applicant currently has employment with an
87 employer in this state. The [nonresident] **nondomiciled** applicant must meet
88 the same testing, driver record requirements, conditions, and is subject to the
89 same disqualification and conviction reporting requirements applicable to
90 resident commercial drivers.

91 (3) The [nonresident] **nondomiciled** commercial driver's license will
92 expire on the same date that the documents establishing lawful presence for
93 employment expire. The word ["nonresident"] "**nondomiciled**" shall appear on
94 the face of the [nonresident] **nondomiciled** commercial driver's license. Any
95 applicant for a Missouri [nonresident] **nondomiciled** commercial driver's license
96 **or commercial driver's instruction permit** must first surrender any
97 [nonresident] **nondomiciled** commercial driver's license issued by another state.

98 (4) The [nonresident] **nondomiciled** commercial driver's license
99 applicant must pay the same fees as required for the issuance of a resident
100 commercial driver's license **or commercial driver's instruction permit**.

101 14. Foreign jurisdiction for purposes of issuing a [nonresident]
102 **nondomiciled** commercial driver's license **or commercial driver's**
103 **instruction permit** under this section shall not include any of the fifty states
104 of the United States or Canada or Mexico.

302.740. 1. The commercial driver's license shall be manufactured of
2 materials and processes that will prohibit as nearly as possible the ability to
3 reproduce, alter, counterfeit, forge, or duplicate any license without ready
4 detection. Such license shall include, but not be limited to, the following
5 information: a colored photograph of the person, the legal name and address of
6 the person, a physical description of the person, including sex, height, weight and
7 eye color, the person's [Social Security number] **driver's license number** or
8 such other number or identifier deemed appropriate by the director or the

9 [secretary] **Secretary**, the date of birth, class or type of commercial motor
10 vehicle or vehicles which the person is authorized to drive, the name of this state,
11 and the words "COMMERCIAL DRIVER'S LICENSE" or "CDL", the dates of
12 issuance and expiration, the person's signature and such other information as the
13 director prescribes.

14 2. Before issuing a commercial driver's license, the director shall obtain
15 driving record information from sources including, but not limited to, the national
16 driver's register, the commercial driver's license information system, and any
17 state driver's licensing system in which the person has been licensed; except that
18 the director shall only be required to obtain the complete driving record from each
19 state the person has ever been licensed in when such person is issued an initial
20 commercial driver's license or renews his or her commercial driver's license for
21 the first time. The director shall maintain a notation in the driving record
22 system of the date when he or she has obtained the driving records from all other
23 states which the person has been licensed.

24 3. Within ten days after issuing a commercial driver's license, the director
25 shall notify the commercial driver's license information system of such fact,
26 providing all information required to ensure identification of the person. For the
27 purpose of this subsection, the date of issuance shall be the date the commercial
28 driver's license is mailed to the applicant.

29 4. The commercial driver's license shall indicate the class of vehicle the
30 person may drive and any applicable endorsements or restrictions. Commercial
31 driver's license classifications, endorsements and restrictions shall be in
32 compliance with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of
33 Pub. Law 99-570) and those prescribed by the director. The commercial driver's
34 license driving record shall contain a complete history of the driver, including
35 information and convictions from previous states of licensure.

36 **5. The commercial driver's instruction permit shall include but**
37 **not be limited to the same data elements as a commercial driver's**
38 **license and the words "CDL PERMIT" or "COMMERCIAL LEARNER**
39 **PERMIT" and such other information as the director or Secretary**
40 **prescribes.**

302.755. 1. A person is disqualified from driving a commercial motor
2 vehicle for a period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled
4 substance, or of an alcohol-related enforcement contact as defined in subsection

5 3 of section 302.525;

6 (2) Driving a commercial motor vehicle which causes a fatality through
7 the negligent operation of the commercial motor vehicle, including but not limited
8 to the crimes of vehicular manslaughter, homicide by motor vehicle, and negligent
9 homicide;

10 (3) Driving a commercial motor vehicle while revoked pursuant to section
11 302.727;

12 (4) Leaving the scene of an accident involving a commercial or
13 noncommercial motor vehicle operated by the person;

14 (5) Using a commercial or noncommercial motor vehicle in the commission
15 of any felony, as defined in section 302.700, except a felony as provided in
16 subsection 4 of this section

17 2. If any of the violations described in subsection 1 of this section occur
18 while transporting a hazardous material the person is disqualified for a period
19 of not less than three years.

20 3. Any person is disqualified from operating a commercial motor vehicle
21 for life if convicted of two or more violations of any of the offenses specified in
22 subsection 1 of this section, or any combination of those offenses, arising from two
23 or more separate incidents. The director may issue rules and regulations, in
24 accordance with guidelines established by the [secretary] **Secretary**, under
25 which a disqualification for life under this section may be reduced to a period of
26 not less than ten years.

27 4. Any person is disqualified from driving a commercial motor vehicle for
28 life who uses a commercial or noncommercial motor vehicle in the commission of
29 any felony involving the manufacture, distribution, or dispensing of a controlled
30 substance, or possession with intent to manufacture, distribute, or dispense a
31 controlled substance.

32 5. Any person is disqualified from operating a commercial motor vehicle
33 for a period of not less than sixty days if convicted of two serious traffic violations
34 or one hundred twenty days if convicted of three serious traffic violations, arising
35 from separate incidents occurring within a three-year period.

36 6. Any person found to be operating a commercial motor vehicle while
37 having any measurable alcohol concentration shall immediately be issued a
38 continuous twenty-four-hour out-of-service order by a law enforcement officer in
39 this state.

40 7. Any person who is convicted of operating a commercial motor vehicle

41 beginning at the time of issuance of the out-of-service order until its expiration
42 is guilty of a class A misdemeanor.

43 8. Any person convicted for the first time of driving while out of service
44 shall be disqualified from driving a commercial motor vehicle in the manner
45 prescribed in 49 CFR [Part] 383, or as amended by the Secretary.

46 9. Any person convicted of driving while out of service on a second
47 occasion during any ten-year period, involving separate incidents, shall be
48 disqualified in the manner prescribed in 49 CFR [Part] 383, or as amended by the
49 Secretary.

50 10. Any person convicted of driving while out of service on a third or
51 subsequent occasion during any ten-year period, involving separate incidents,
52 shall be disqualified for a period of three years.

53 11. Any person convicted of a first violation of an out-of-service order
54 while transporting hazardous materials or while operating a motor vehicle
55 designed to transport sixteen or more passengers, including the driver, is
56 disqualified for a period of one hundred eighty days.

57 12. Any person convicted of any subsequent violation of an out-of-service
58 order in a separate incident within ten years after a previous violation, while
59 transporting hazardous materials or while operating a motor vehicle designed to
60 transport fifteen passengers, including the driver, is disqualified for a period of
61 three years.

62 13. Any person convicted of any other offense as specified by regulations
63 promulgated by the Secretary of Transportation shall be disqualified in
64 accordance with such regulations.

65 14. After suspending, revoking, [~~cancelling~~] **canceled**, or disqualifying
66 a driver, the director shall update records to reflect such action and notify a
67 nonresident's licensing authority and the commercial driver's license information
68 system within ten days in the manner prescribed in 49 CFR [Part] 384, or as
69 amended by the Secretary.

70 15. Any person disqualified from operating a commercial motor vehicle
71 pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial
72 driver's license [~~cancelled~~] **canceled**, and upon conclusion of the period of
73 disqualification shall take the written and driving tests and meet all other
74 requirements of sections 302.700 to 302.780. Such disqualification and
75 cancellation shall not be withdrawn by the director until such person reapplies
76 for a commercial driver's license in this or any other state after meeting all

77 requirements of sections 302.700 to 302.780.

78 16. The director shall disqualify a driver upon receipt of notification that
79 the Secretary has determined a driver to be an imminent hazard pursuant to 49
80 CFR[, Part] 383.52. Due process of a disqualification determined by the
81 Secretary pursuant to this section shall be held in accordance with regulations
82 promulgated by the Secretary. The period of disqualification determined by the
83 Secretary pursuant to this section shall be served concurrently to any other
84 period of disqualification which may be imposed by the director pursuant to this
85 section. Both disqualifications shall appear on the driving record of the driver.

86 17. The director shall disqualify a commercial license holder or operator
87 of a commercial **motor** vehicle from operation of any commercial motor vehicle
88 upon receipt of a conviction for an offense of failure to appear or pay, and such
89 disqualification shall remain in effect until the director receives notice that the
90 person has complied with the requirement to appear or pay.

91 **18. The disqualification period must be in addition to any other**
92 **previous periods of disqualification in the manner prescribed in 49**
93 **CFR 383, or as amended by the Secretary, except when the major or**
94 **serious violations are a result of the same incident.**

304.013. 1. No person shall operate an all-terrain vehicle, as defined in
2 section 301.010, upon the highways of this state, except as follows:

3 (1) All-terrain vehicles owned and operated by a governmental entity for
4 official use;

5 (2) All-terrain vehicles operated for agricultural purposes or industrial
6 on-premises purposes between the official sunrise and sunset on the day of
7 operation;

8 (3) All-terrain vehicles operated by handicapped persons for short
9 distances occasionally only on the state's secondary roads when operated between
10 the hours of sunrise and sunset;

11 (4) Governing bodies of cities may issue special permits to licensed drivers
12 for special uses of all-terrain vehicles on highways within the city limits. Fees
13 of fifteen dollars may be collected and retained by cities for such permits;

14 (5) Governing bodies of counties may issue special permits to licensed
15 drivers for special uses of all-terrain vehicles on county roads within the
16 county. Fees of fifteen dollars may be collected and retained by the counties for
17 such permits;

18 **(6) Municipalities may by resolution or ordinance allow all-**

19 **terrain vehicle operation on streets or highways under the governing**
20 **body's jurisdiction. Any person operating an all-terrain vehicle**
21 **pursuant to a municipal resolution or ordinance shall maintain proof**
22 **of financial responsibility in accordance with section 303.160 or**
23 **maintain any other insurance policy providing equivalent liability**
24 **coverage for an all-terrain vehicle.**

25 2. No person shall operate an off-road vehicle within any stream or river
26 in this state, except that off-road vehicles may be operated within waterways
27 which flow within the boundaries of land which an off-road vehicle operator owns,
28 or for agricultural purposes within the boundaries of land which an off-road
29 vehicle operator owns or has permission to be upon, or for the purpose of fording
30 such stream or river of this state at such road crossings as are customary or part
31 of the highway system. All law enforcement officials or peace officers of this state
32 and its political subdivisions or department of conservation agents or department
33 of natural resources park rangers shall enforce the provisions of this subsection
34 within the geographic area of their jurisdiction.

35 3. A person operating an all-terrain vehicle on a highway pursuant to an
36 exception covered in this section shall have a valid operator's or chauffeur's
37 license, except that a handicapped person operating such vehicle pursuant to
38 subdivision (3) of subsection 1 of this section, but shall not be required to have
39 passed an examination for the operation of a motorcycle, and the vehicle shall be
40 operated at speeds of less than thirty miles per hour. When operated on a
41 highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not
42 less than seven feet above the ground, attached to the rear of the vehicle. The
43 bicycle safety flag shall be triangular in shape with an area of not less than thirty
44 square inches and shall be day-glow in color.

45 4. No persons shall operate an all-terrain vehicle:

46 (1) In any careless way so as to endanger the person or property of
47 another;

48 (2) While under the influence of alcohol or any controlled substance;

49 (3) Without a securely fastened safety helmet on the head of an individual
50 who operates an all-terrain vehicle or who is being towed or otherwise propelled
51 by an all-terrain vehicle, unless the individual is at least eighteen years of age.

52 5. No operator of an all-terrain vehicle shall carry a passenger, except for
53 agricultural purposes. The provisions of this subsection shall not apply to any
54 all-terrain vehicle in which the seat of such vehicle is designed to carry more than

55 one person.

56 6. A violation of this section shall be a class C misdemeanor. In addition
57 to other legal remedies, the attorney general or county prosecuting attorney may
58 institute a civil action in a court of competent jurisdiction for injunctive relief to
59 prevent such violation or future violations and for the assessment of a civil
60 penalty not to exceed one thousand dollars per day of violation.

304.032. 1. No person shall operate a utility vehicle, as defined in section
2 301.010, upon the highways of this state, except as follows:

3 (1) Utility vehicles owned and operated by a governmental entity for
4 official use;

5 (2) Utility vehicles operated for agricultural purposes or industrial
6 on-premises purposes between the official sunrise and sunset on the day of
7 operation, unless equipped with proper lighting;

8 (3) Utility vehicles operated by handicapped persons for short distances
9 occasionally only on the state's secondary roads when operated between the hours
10 of sunrise and sunset;

11 (4) Governing bodies of cities may issue special permits for utility vehicles
12 to be used on highways within the city limits by licensed drivers. Fees of fifteen
13 dollars may be collected and retained by cities for such permits;

14 (5) Governing bodies of counties may issue special permits for utility
15 vehicles to be used on county roads within the county by licensed drivers. Fees
16 of fifteen dollars may be collected and retained by the counties for such permits;

17 **(6) Municipalities may by resolution or ordinance allow utility**
18 **vehicle operation on streets or highways under the governing body's**
19 **jurisdiction. Any person operating a utility vehicle pursuant to a**
20 **municipal resolution or ordinance shall maintain proof of financial**
21 **responsibility in accordance with section 303.160 or maintain any other**
22 **insurance policy providing equivalent liability coverage for a utility**
23 **vehicle.**

24 2. No person shall operate a utility vehicle within any stream or river in
25 this state, except that utility vehicles may be operated within waterways which
26 flow within the boundaries of land which a utility vehicle operator owns, or for
27 agricultural purposes within the boundaries of land which a utility vehicle
28 operator owns or has permission to be upon, or for the purpose of fording such
29 stream or river of this state at such road crossings as are customary or part of the
30 highway system. All law enforcement officials or peace officers of this state and

31 its political subdivisions or department of conservation agents or department of
32 natural resources park rangers shall enforce the provisions of this subsection
33 within the geographic area of their jurisdiction.

34 3. A person operating a utility vehicle on a highway pursuant to an
35 exception covered in this section shall have a valid operator's or chauffeur's
36 license, except that a handicapped person operating such vehicle under
37 subdivision (3) of subsection 1 of this section, but shall not be required to have
38 passed an examination for the operation of a motorcycle, and the vehicle shall be
39 operated at speeds of less than forty-five miles per hour.

40 4. No persons shall operate a utility vehicle:

41 (1) In any careless way so as to endanger the person or property of
42 another; or

43 (2) While under the influence of alcohol or any controlled substance.

44 5. No operator of a utility vehicle shall carry a passenger, except for
45 agricultural purposes. The provisions of this subsection shall not apply to any
46 utility vehicle in which the seat of such vehicle is designed to carry more than one
47 person.

48 6. A violation of this section shall be a class C misdemeanor. In addition
49 to other legal remedies, the attorney general or county prosecuting attorney may
50 institute a civil action in a court of competent jurisdiction for injunctive relief to
51 prevent such violation or future violations and for the assessment of a civil
52 penalty not to exceed one thousand dollars per day of violation.

304.120. 1. Municipalities, by ordinance, may establish reasonable speed
2 regulations for motor vehicles within the limits of such municipalities. No person
3 who is not a resident of such municipality and who has not been within the limits
4 thereof for a continuous period of more than forty-eight hours shall be convicted
5 of a violation of such ordinances, unless it is shown by competent evidence that
6 there was posted at the place where the boundary of such municipality joins or
7 crosses any highway a sign displaying in black letters not less than four inches
8 high and one inch wide on a white background the speed fixed by such
9 municipality so that such sign may be clearly seen by operators and drivers from
10 their vehicles upon entering such municipality.

11 2. Municipalities, by ordinance, may:

12 (1) Make additional rules of the road or traffic regulations to meet their
13 needs and traffic conditions;

14 (2) Establish one-way streets and provide for the regulation of vehicles

15 thereon;

16 (3) Require vehicles to stop before crossing certain designated streets and
17 boulevards;

18 (4) Limit the use of certain designated streets and boulevards to
19 passenger vehicles, except that each municipality shall allow at least one route,
20 with lawful traffic movement and access from both directions, to be available for
21 use by commercial motor vehicles to access any roads in the state highway
22 system. Under no circumstances shall the provisions of this subdivision be
23 construed to authorize a municipality to limit the use of all routes in the
24 municipality;

25 (5) Prohibit the use of certain designated streets to vehicles with metal
26 tires, or solid rubber tires;

27 (6) Regulate the parking of vehicles on streets by the installation of
28 parking meters for limiting the time of parking and exacting a fee therefor or by
29 the adoption of any other regulatory method that is reasonable and practical, and
30 prohibit or control left-hand turns of vehicles;

31 (7) Require the use of signaling devices on all motor vehicles; and

32 (8) Prohibit sound-producing warning devices, except horns directed
33 forward.

34 3. No ordinance shall be valid which contains provisions contrary to or in
35 conflict with this chapter, except as herein provided.

36 4. No ordinance shall impose liability on the owner-lessor of a motor
37 vehicle when the vehicle is being permissively used by a lessee and is illegally
38 parked or operated if the registered owner-lessor of such vehicle furnishes the
39 name, address and operator's license number of the person renting or leasing the
40 vehicle at the time the violation occurred to the proper municipal authority
41 within three working days from the time of receipt of written request for such
42 information. Any registered owner-lessor who fails or refuses to provide such
43 information within the period required by this subsection shall be liable for the
44 imposition of any fine established by municipal ordinance for the
45 violation. Provided, however, if a leased motor vehicle is illegally parked due to
46 a defect in such vehicle, which renders it inoperable, not caused by the fault or
47 neglect of the lessee, then the lessor shall be liable on any violation for illegal
48 parking of such vehicle.

49 5. No ordinance shall deny the use of commercial motor vehicles on all
50 routes within the municipality. For purposes of this section, the term "route"

51 shall mean any state road, county road, or public street, avenue, boulevard, or
52 parkway.

53 **6. No ordinance shall prohibit the operator of a motor vehicle**
54 **from being in an intersection while a red signal is being displayed if**
55 **the operator of the motor vehicle entered the intersection during a**
56 **yellow signal interval. The provisions of this subsection shall**
57 **supercede any local laws, ordinances, orders, rules, or regulations**
58 **enacted by a county, municipality, or other political subdivision that**
59 **are to the contrary.**

304.180. 1. No vehicle or combination of vehicles shall be moved or
2 operated on any highway in this state having a greater weight than twenty
3 thousand pounds on one axle, no combination of vehicles operated by transporters
4 of general freight over regular routes as defined in section 390.020 shall be moved
5 or operated on any highway of this state having a greater weight than the vehicle
6 manufacturer's rating on a steering axle with the maximum weight not to exceed
7 twelve thousand pounds on a steering axle, and no vehicle shall be moved or
8 operated on any state highway of this state having a greater weight than
9 thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall
10 mean a group of two or more axles, arranged one behind another, the distance
11 between the extremes of which is more than forty inches and not more than
12 ninety-six inches apart.

13 2. An "axle load" is defined as the total load transmitted to the road by
14 all wheels whose centers are included between two parallel transverse vertical
15 planes forty inches apart, extending across the full width of the vehicle.

16 3. Subject to the limit upon the weight imposed upon a highway of this
17 state through any one axle or on any tandem axle, the total gross weight with
18 load imposed by any group of two or more consecutive axles of any vehicle or
19 combination of vehicles shall not exceed the maximum load in pounds as set forth
20 in the following table:

21 Distance in feet between the extremes
22 of any group of two or more consecutive
23 axles, measured to the nearest foot,
24 except where indicated otherwise

	Maximum load in pounds					
25 feet	26 2 axles	3 axles	4 axles	5 axles	6 axles	
27 4	34,000					

28	5	34,000				
29	6	34,000				
30	7	34,000				
31	8	34,000	34,000			
32	More than 8	38,000	42,000			
33	9	39,000	42,500			
34	10	40,000	43,500			
35	11	40,000	44,000			
36	12	40,000	45,000	50,000		
37	13	40,000	45,500	50,500		
38	14	40,000	46,500	51,500		
39	15	40,000	47,000	52,000		
40	16	40,000	48,000	52,500	58,000	
41	17	40,000	48,500	53,500	58,500	
42	18	40,000	49,500	54,000	59,000	
43	19	40,000	50,000	54,500	60,000	
44	20	40,000	51,000	55,500	60,500	66,000
45	21	40,000	51,500	56,000	61,000	66,500
46	22	40,000	52,500	56,500	61,500	67,000
47	23	40,000	53,000	57,500	62,500	68,000
48	24	40,000	54,000	58,000	63,000	68,500
49	25	40,000	54,500	58,500	63,500	69,000
50	26	40,000	55,500	59,500	64,000	69,500
51	27	40,000	56,000	60,000	65,000	70,000
52	28	40,000	57,000	60,500	65,500	71,000
53	29	40,000	57,500	61,500	66,000	71,500
54	30	40,000	58,500	62,000	66,500	72,000
55	31	40,000	59,000	62,500	67,500	72,500
56	32	40,000	60,000	63,500	68,000	73,000
57	33	40,000	60,000	64,000	68,500	74,000
58	34	40,000	60,000	64,500	69,000	74,500
59	35	40,000	60,000	65,500	70,000	75,000

60	36	60,000	66,000	70,500	75,500
61	37	60,000	66,500	71,000	76,000
62	38	60,000	67,500	72,000	77,000
63	39	60,000	68,000	72,500	77,500
64	40	60,000	68,500	73,000	78,000
65	41	60,000	69,500	73,500	78,500
66	42	60,000	70,000	74,000	79,000
67	43	60,000	70,500	75,000	80,000
68	44	60,000	71,500	75,500	80,000
69	45	60,000	72,000	76,000	80,000
70	46	60,000	72,500	76,500	80,000
71	47	60,000	73,500	77,500	80,000
72	48	60,000	74,000	78,000	80,000
73	49	60,000	74,500	78,500	80,000
74	50	60,000	75,500	79,000	80,000
75	51	60,000	76,000	80,000	80,000
76	52	60,000	76,500	80,000	80,000
77	53	60,000	77,500	80,000	80,000
78	54	60,000	78,000	80,000	80,000
79	55	60,000	78,500	80,000	80,000
80	56	60,000	79,500	80,000	80,000
81	57	60,000	80,000	80,000	80,000

82 Notwithstanding the above table, two consecutive sets of tandem axles may carry
83 a gross load of thirty-four thousand pounds each if the overall distance between
84 the first and last axles of such consecutive sets of tandem axles is thirty-six feet
85 or more.

86 4. Whenever the state highways and transportation commission finds that
87 any state highway bridge in the state is in such a condition that use of such
88 bridge by vehicles of the weights specified in subsection 3 of this section will
89 endanger the bridge, or the users of the bridge, the commission may establish
90 maximum weight limits and speed limits for vehicles using such bridge. The
91 governing body of any city or county may grant authority by act or ordinance to
92 the state highways and transportation commission to enact the limitations

93 established in this section on those roadways within the purview of such city or
94 county. Notice of the weight limits and speed limits established by the
95 commission shall be given by posting signs at a conspicuous place at each end of
96 any such bridge.

97 5. Nothing in this section shall be construed as permitting lawful axle
98 loads, tandem axle loads or gross loads in excess of those permitted under the
99 provisions of Section 127 of Title 23 of the United States Code.

100 6. Notwithstanding the weight limitations contained in this section, any
101 vehicle or combination of vehicles operating on highways other than the interstate
102 highway system may exceed single axle, tandem axle and gross weight limitations
103 in an amount not to exceed two thousand pounds. However, total gross weight
104 shall not exceed eighty thousand pounds, except as provided in subsections 9 and
105 10 of this section.

106 7. Notwithstanding any provision of this section to the contrary, the
107 department of transportation shall issue a single-use special permit, or upon
108 request of the owner of the truck or equipment, shall issue an annual permit, for
109 the transporting of any concrete pump truck or well-drillers' equipment. The
110 department of transportation shall set fees for the issuance of permits pursuant
111 to this subsection. Notwithstanding the provisions of section 301.133, concrete
112 pump trucks or well-drillers' equipment may be operated on state-maintained
113 roads and highways at any time on any day.

114 8. Notwithstanding the provision of this section to the contrary, the
115 maximum gross vehicle limit and axle weight limit for any vehicle or combination
116 of vehicles equipped with an idle reduction technology may be increased by a
117 quantity necessary to compensate for the additional weight of the idle reduction
118 system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the
119 additional weight increase allowed by this subsection be greater than **[four] five**
120 **hundred fifty** pounds. Upon request by an appropriate law enforcement officer,
121 the vehicle operator shall provide proof that the idle reduction technology is fully
122 functional at all times and that the gross weight increase is not used for any
123 purpose other than for the use of idle reduction technology.

124 9. Notwithstanding subsection 3 of this section or any other provision of
125 law to the contrary, the total gross weight of any vehicle or combination of
126 vehicles hauling livestock may be as much as, but shall not exceed, eighty-five
127 thousand five hundred pounds while operating on U.S. Highway 36 from St.
128 Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state line to U.S.

129 Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway
130 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The
131 provisions of this subsection shall not apply to vehicles operated on the Dwight
132 D. Eisenhower System of Interstate and Defense Highways.

133 10. Notwithstanding any provision of this section or any other law to the
134 contrary, the total gross weight of any vehicle or combination of vehicles hauling
135 milk from a farm to a processing facility may be as much as, but shall not exceed,
136 eighty-five thousand five hundred pounds while operating on highways other than
137 the interstate highway system. The provisions of this subsection shall not apply
138 to vehicles operated and operating on the Dwight D. Eisenhower System of
139 Interstate and Defense Highways.

304.820. 1. Except as otherwise provided in this section, no person
2 twenty-one years of age or younger operating a moving **noncommercial** motor
3 vehicle upon the highways of this state shall, by means of a hand-held electronic
4 wireless communications device, send, read, or write a text message or electronic
5 message.

6 2. **No person, regardless of age, shall operate a commercial motor**
7 **vehicle while using a hand-held mobile telephone in a manner**
8 **proscribed by the federal motor carrier safety regulations, as**
9 **periodically amended.**

10 3. **No person, regardless of age, shall engage in texting while**
11 **operating a commercial motor vehicle in a manner proscribed by the**
12 **federal motor carrier safety regulations, as periodically amended.**

13 4. The provisions of subsection 1 of this section shall not apply to a person
14 operating:

15 (1) An authorized emergency vehicle; or

16 (2) A moving motor vehicle while using a hand-held electronic wireless
17 communications device to:

18 (a) Report illegal activity;

19 (b) Summon medical or other emergency help;

20 (c) Prevent injury to a person or property; or

21 (d) Relay information between a transit or for-hire operator and that
22 operator's dispatcher, in which the device is permanently affixed to the vehicle.

23 [3.] 5. Nothing in this section shall be construed or interpreted as
24 prohibiting a person from making or taking part in a telephone call, by means of
25 a hand-held electronic wireless communications device, while operating a

26 **noncommercial** motor vehicle upon the highways of this state.

27 [4.] 6. As used in this section, "electronic message" means a
28 self-contained piece of digital communication that is designed or intended to be
29 transmitted between hand-held electronic wireless communication
30 devices. "Electronic message" includes, but is not limited to, electronic mail, a
31 text message, an instant message, or a command or request to access an internet
32 site.

33 [5.] 7. As used in this section, "hand-held electronic wireless
34 communications device" includes any hand-held cellular phone, palm pilot,
35 blackberry, or other mobile electronic device used to communicate verbally or by
36 text or electronic messaging, but shall not apply to any device that is
37 permanently embedded into the architecture and design of the motor vehicle.

38 [6.] 8. As used in this section, "making or taking part in a telephone call"
39 means listening to or engaging in verbal communication through a hand-held
40 electronic wireless communication device.

41 [7.] 9. As used in this section, "send, read, or write a text message or
42 electronic message" means using a hand-held electronic wireless
43 telecommunications device to manually communicate with any person by using
44 an electronic message. Sending, reading, or writing a text message or electronic
45 message does not include reading, selecting, or entering a phone number or name
46 into a hand-held electronic wireless communications device for the purpose of
47 making a telephone call.

48 [8.] 10. **As used in subsections 2 and 3 of this section, the terms**
49 **"texting" and "mobile telephone" shall have the same meaning ascribed**
50 **to them in section 302.700.**

51 11. A violation of this section shall be deemed an infraction and shall be
52 deemed a moving violation for purposes of point assessment under section
53 302.302.

54 [9.] 12. The state preempts the field of regulating the use of hand-held
55 electronic wireless communications devices in motor vehicles, and the provisions
56 of this section shall supercede any local laws, ordinances, orders, rules, or
57 regulations enacted by a county, municipality, or other political subdivision to
58 regulate the use of hand-held electronic wireless communication devices by the
59 operator of a motor vehicle.

60 [10.] 13. The provisions of **subsection 1 of this section** shall not apply
61 to:

- 62 (1) The operator of a vehicle that is lawfully parked or stopped;
- 63 (2) Any of the following while in the performance of their official duties:
- 64 a law enforcement officer; a member of a fire department; or the operator of a
- 65 public or private ambulance;
- 66 (3) The use of factory-installed or aftermarket global positioning systems
- 67 (GPS) or wireless communications devices used to transmit or receive data as part
- 68 of a digital dispatch system;
- 69 (4) The use of voice-operated technology;
- 70 (5) The use of two-way radio transmitters or receivers by a licensee of the
- 71 Federal Communications Commission in the Amateur Radio Service.

307.400. 1. It is unlawful for any person to operate any commercial motor

2 vehicle as defined in Title 49, Code of Federal Regulations, Part 390.5, either

3 singly or in combination with a trailer, as both vehicles are defined in Title 49,

4 Code of Federal Regulations, Part 390.5, unless such vehicles are equipped and

5 operated as required by Parts 390 through 397, Title 49, Code of Federal

6 Regulations, as such regulations have been and may periodically be amended,

7 whether intrastate transportation or interstate transportation. Members of the

8 Missouri state highway patrol are authorized to enter the cargo area of a

9 commercial motor vehicle or trailer to inspect the contents when reasonable

10 grounds exist to cause belief that the vehicle is transporting hazardous materials

11 as defined by Title 49 of the Code of Federal Regulations. The director of the

12 department of public safety is hereby authorized to further regulate the safety of

13 commercial motor vehicles and trailers as he deems necessary to govern and

14 control their operation on the public highways of this state by promulgating and

15 publishing rules and regulations consistent with this chapter. Any such rules

16 shall, in addition to any other provisions deemed necessary by the director,

17 require:

- 18 (1) Every commercial motor vehicle and trailer and all parts thereof to be
- 19 maintained in a safe condition at all times;
- 20 (2) Accidents arising from or in connection with the operation of
- 21 commercial motor vehicles and trailers to be reported to the department of public
- 22 safety in such detail and in such manner as the director may require. Except for
- 23 the provisions of subdivisions (1) and (2) of this subsection, the provisions of this
- 24 section shall not apply to any commercial motor vehicle operated in intrastate
- 25 commerce and licensed for a gross weight of sixty thousand pounds or less when
- 26 used exclusively for the transportation of solid waste or forty-two thousand

27 pounds or less when the license plate has been designated for farm use by the
28 letter "F" as authorized by the Revised Statutes of Missouri, unless such vehicle
29 is transporting hazardous materials as defined in Title 49, Code of Federal
30 Regulations.

31 2. Notwithstanding the provisions of subsection 1 of this section to the
32 contrary, Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to
33 the physical requirements of drivers shall not be applicable to drivers in
34 intrastate commerce, provided such drivers were licensed by this state as
35 chauffeurs to operate commercial motor vehicles on May 13, 1988. Persons who
36 are otherwise qualified and licensed to operate a commercial motor vehicle in this
37 state may operate such vehicle intrastate at the age of eighteen years or older,
38 except that any person transporting hazardous material must be at least
39 twenty-one years of age.

40 3. Commercial motor vehicles and drivers of such vehicles may be placed
41 out of service if the vehicles are not equipped and operated according to the
42 requirements of this section. Criteria used for placing vehicles and drivers out
43 of service are the North American Uniform Out-of-Service Criteria adopted by the
44 Commercial Vehicle Safety Alliance and the United States Department of
45 Transportation, as such criteria have been and may periodically be amended.

46 4. Notwithstanding the provisions of subsection 1 of this section to the
47 contrary, Part 395, Title 49, Code of Federal Regulations, relating to the hours
48 of drivers, shall not apply to any vehicle owned or operated by any public utility,
49 rural electric cooperative or other public service organization, or to the driver of
50 such vehicle, while providing restoration of essential utility services during
51 emergencies and operating intrastate. For the purposes of this subsection, the
52 term "essential utility services" means electric, gas, water, telephone and sewer
53 services.

54 5. [Part 395, Title 49, Code of Federal Regulations, relating to the hours
55 of drivers, shall not apply to drivers transporting agricultural commodities or
56 farm supplies for agricultural purposes in this state if such transportation:

57 (1) Is limited to an area within a one hundred air-mile radius from the
58 source of the commodities or the distribution point for the farm supplies; and

59 (2) Is conducted during the planting and harvesting season within this
60 state, as defined by the department of public safety by regulation.

61 6. The provisions of Part 395.8, Title 49, Code of Federal Regulations,
62 relating to recording of a driver's duty status, shall not apply to drivers engaged

63 in agricultural operations referred to in subsection 5 of this section, if the motor
64 carrier who employs the driver maintains and retains for a period of six months
65 accurate and true records showing:

- 66 (1) The total number of hours the driver is on duty each day; and
67 (2) The time at which the driver reports for, and is released from, duty
68 each day.

69 7.] Notwithstanding the provisions of subsection 1 of this section to the
70 contrary, Parts 390 through 397, Title 49, Code of Federal Regulations shall not
71 apply to commercial motor vehicles operated in intrastate commerce to transport
72 property, which have a gross vehicle weight rating or gross combination weight
73 rating of twenty-six thousand pounds or less. The exception provided by this
74 subsection shall not apply to:

75 (1) Vehicles transporting hazardous materials [or to] **and which are not**
76 **covered farm vehicles as provided in subdivision (3) of this subsection;**
77 **or**

78 (2) Vehicles designed to transport sixteen or more passengers including
79 the driver as defined by Title 49 of the Code of Federal Regulations; **or**

80 (3) **Vehicles which are defined as covered farm vehicles pursuant**
81 **to federal laws and regulations and are transporting hazardous**
82 **materials that require a placard as required by Title 49, Code of**
83 **Federal Regulations, Parts 100-180.**

84 Nothing in this subsection shall be construed to prohibit persons designated by
85 the department of public safety from inspecting vehicles defined in this
86 subsection.

87 [8.] 6. Violation of any provision of this section or any rule promulgated
88 as authorized therein is a class B misdemeanor.

89 [9.] 7. Any rule or portion of a rule, as that term is defined in section
90 536.010, that is created under the authority delegated in this section shall
91 become effective only if it complies with and is subject to all of the provisions of
92 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
93 nonseverable and if any of the powers vested with the general assembly pursuant
94 to chapter 536 to review, to delay the effective date, or to disapprove and annul
95 a rule are subsequently held unconstitutional, then the grant of rulemaking
96 authority and any rule proposed or adopted after August 28, 2009, shall be
97 invalid and void.

544.157. 1. Any law enforcement officer certified pursuant to chapter 590

2 of any political subdivision of this state, any authorized agent of the department
3 of conservation, any commissioned member of the Missouri capitol police, **any**
4 **college or university police officer**, and any commissioned member of the
5 Missouri state park rangers in fresh pursuit of a person who is reasonably
6 believed by such officer to have committed a felony in this state or who has
7 committed, or attempted to commit, in the presence of such officer or agent, any
8 criminal offense or violation of a municipal or county ordinance, or for whom such
9 officer holds a warrant of arrest for a criminal offense, shall have the authority
10 to arrest and hold in custody such person anywhere in this state. Fresh pursuit
11 may only be initiated from within the pursuing peace officer's, conservation
12 agent's, capitol police officer's, **college or university police officer's**, or state
13 park ranger's jurisdiction and shall be terminated once the pursuing peace officer
14 is outside of such officer's jurisdiction and has lost contact with the person being
15 pursued. If the offense is a traffic violation, the uniform traffic ticket shall be
16 used as if the violator had been apprehended in the municipality or county in
17 which the offense occurred.

18 2. If such an arrest is made in obedience to a warrant, the disposition of
19 the prisoner shall be made as in other cases of arrest under a warrant; if the
20 violator is served with a uniform traffic ticket, the violator shall be directed to
21 appear before a court having jurisdiction to try the offense; if the arrest is
22 without a warrant, the prisoner shall be taken forthwith before a judge of a court
23 with original criminal jurisdiction in the county wherein such arrest was made
24 or before a municipal judge thereof having original jurisdiction to try such
25 offense, who may release the person as provided in section 544.455, conditioned
26 upon such person's appearance before the court having jurisdiction to try the
27 offense. The person so arrested need not be taken before a judge as herein set
28 out if given a summons by the arresting officer.

29 3. The term "fresh pursuit", as used in this section, shall include hot or
30 fresh pursuit as defined by the common law and also the pursuit of a person who
31 has committed a felony or is reasonably suspected of having committed a felony
32 in this state, or who has committed or attempted to commit in this state a
33 criminal offense or violation of municipal or county ordinance in the presence of
34 the arresting officer referred to in subsection 1 of this section or for whom such
35 officer holds a warrant of arrest for a criminal offense. It shall include also the
36 pursuit of a person suspected of having committed a supposed felony in this state,
37 though no felony has actually been committed, if there is reasonable ground for

38 so believing. "Fresh pursuit" as used herein shall imply instant pursuit.

39 4. A public agency electing to institute vehicular pursuits shall adopt a
40 policy for the safe conduct of vehicular pursuits by peace officers. Such policy
41 shall meet the following minimum standards:

42 (1) There shall be supervisory control of the pursuit;

43 (2) There shall be procedures for designating the primary pursuit vehicle
44 and for determining the total number of vehicles to be permitted to participate
45 at one time in the pursuit;

46 (3) There shall be procedures for coordinating operation with other
47 jurisdictions; and

48 (4) There shall be guidelines for determining when the interests of public
49 safety and effective law enforcement justify a vehicular pursuit and when a
50 vehicular pursuit should not be initiated or should be terminated.

**Section 1. 1. The governor is hereby authorized and empowered
2 to sell, transfer, grant, convey, remise, release and forever quitclaim all
3 interest of the state of Missouri in real property located in Taney
4 County to the state highways and transportation commission. The
5 property to be conveyed is more particularly described as follows:**

Tract One

7 **Right of way for a Federal road 80 feet wide, except as
8 noted.**

9 **That part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and also of the NE $\frac{1}{4}$ of
10 SW $\frac{1}{4}$ and also of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and also of the SW $\frac{1}{4}$ of
11 SE $\frac{1}{4}$ and also of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ all in Sec. 6, and also the
12 NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and also of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ in Sec. 7, all in
13 T21N, R21W lying within a strip of land 80 feet wide,
14 except as noted, 40 feet thereof, except as noted, being on
15 each side of, parallel to and measured from a surveyed
16 center line which is described as follows:**

17 **Beginning on the north line of and 720 feet east of the
18 north west corner of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 6, T21N,
19 R21W; thence south easterly on a curve to the right with
20 1146.3 feet radius, the tangent to which bears S 31°56'E,
21 243 feet; thence S 19°47'E a distance of 391 feet; thence
22 continuing S 19°47'E with 40 feet on the right side and 55
23 feet on the left side of the said center line, a distance of**

98 and measured from a surveyed center line. Said tract is
 99 bounded and described as follows:
 100 Beginning 210 feet south of and 420 feet east of the north
 101 west corner of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7, T21N, R21W at
 102 survey station 1133+00; thence N 55°30'E on the property
 103 line between C.N. McElfresh and V.T. Jones, a distance of
 104 57 feet; thence S 42°15'E a distance of 23.8 feet; thence on
 105 a curve to the right with 771.8 feet radius, parallel to and
 106 55 feet from the said center line, a distance of 95 feet;
 107 thence S 53°51'W a distance of 15 feet; thence south
 108 eastward on a curve to the right with 756.8 feet radius, the
 109 tangent to which bears S 36°09'E a distance of 550 feet;
 110 thence S 6°08'W a distance of 171.4 feet; thence S 83°52'E a
 111 distance of 10 feet; thence S 6°08'W a distance of 250 feet;
 112 thence N 83°52'W a distance of 10 feet; thence S 6°08'W a
 113 distance of 100 feet, more or less to the south line of the
 114 said SW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence west on said south line a distance
 115 of 82 feet; thence N 6°08'E parallel to and 40 feet from the
 116 said center line, a distance of 530 feet; thence on a curve
 117 to the left with 676.8 feet radius, a distance of 260 feet, to
 118 the property line between C.N. McElfresh and W.R. Cary;
 119 thence eastward on said property line, a distance of 37 feet
 120 to the center of the present road; thence north westerly
 121 along said present road a distance of 360 feet; thence N
 122 55°30'E a distance of 25 feet more or less to the beginning
 123 place.

124 Containing right of way old 0.66 acres, more or less

125 new 1.45 " "

126 total 2.11 " "

127 Tract Five

128 Right of way for Federal road 80 feet wide, except as
 129 noted.

130 That part of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7 and also of the NE $\frac{1}{4}$ of
 131 NE $\frac{1}{4}$ of Sec. 18, all in T21N, R21W lying within tracts of
 132 land 80 feet wide, except as noted, 40 feet of which, except
 133 as noted is on each side of, parallel to and measured from
 134 a surveyed center line which is described as follows:

135 (1) Beginning on the north line of and 470 feet east of the
 136 north west corner of the NW¼ of SE¼ of Sec. 7, T21N,
 137 R21W; thence S 6°08'W with 40 feet on both sides of the
 138 said center line, a distance of 512.1 feet; thence on a curve
 139 to the left with 1432.7 feet radius, a distance of 418.7 feet;
 140 thence S 10°37'E a distance of 70 feet; thence continuing S
 141 10°37'E with 40 feet on the right side of and 50 feet on the
 142 left side of the said center line, a distance of 150 feet;
 143 thence continuing S 10°37'E with 40 feet on each side of
 144 the said center line, a distance of 150 feet, to the south line
 145 of and 956 feet west of the south east corner of the said
 146 NW¼ of SE¼ of Sec. 7

147 Containing right of way old 1.00 acres, more or less

148 new 1.42 " "

149 total 2.42 " "

150 (2) Beginning on the west line of and 460 feet south of the
 151 north west corner of the NE¼ of NE¼ of Sec. 18, T21N,
 152 R21W; thence S 44°10'E a distance of 155.9 feet; thence on
 153 a curve to the left with 1432.7 feet radius, a distance of
 154 517.5 feet; thence S 64°52'E a distance of 166.9 feet; thence
 155 on a curve to the right with 637.3 feet radius, a distance of
 156 414.7 feet, to the south line of and 890 feet east of the south
 157 west corner of the said NE¼ of NE¼ of Sec. 18.

158 Containing right of way old 0.14 acres, more or less

159 new 2.13 " "

160 total 2.27 " "

161 2. The commissioner of administration shall set the terms and
 162 conditions for the sale as the commissioner deems reasonable. Such
 163 terms and conditions may include, but not be limited to, the number of
 164 appraisals required, the time, place, and terms of the sale.

165 3. The attorney general shall approve the form of the instrument
 166 of conveyance.

Section 2. 1. The governor is hereby authorized and empowered
 2 to sell, transfer, grant, convey, remise, release, and forever quitclaim
 3 all interest of the state of Missouri in real property located in St. Clair
 4 County, Appleton City, to the state highways and transportation

5 **commission. The property to be conveyed is more particularly**
6 **described as follows:**

7 **All of Lots Nine (9), ten (10), eleven (11), twelve (12),**
8 **Thirteen (13), Fourteen (14), fifteen (15) and Sixteen (16),**
9 **Block two (2); also Lots three (3), four (4), five (5), six (6),**
10 **seven (7), eight (8), twelve (12), thirteen (13), fourteen (14),**
11 **fifteen (15), sixteen (16) and seventeen (17), Block three (3),**
12 **Grantley's Addition to Appleton City, Missouri.**

13 **2. The commissioner of administration shall set the terms and**
14 **conditions for the sale as the commissioner deems reasonable. Such**
15 **terms and conditions may include, but not be limited to, the number of**
16 **appraisals required, the time, place, and terms of the sale.**

17 **3. The attorney general shall approve the form of the instrument**
18 **of conveyance.**

Section 3. 1. The governor is hereby authorized and empowered
2 **to sell, transfer, grant, convey, remise, release, and forever quitclaim**
3 **all interest of the state of Missouri in real property located in Osage**
4 **County to the state highways and transportation commission. The**
5 **property to be conveyed is more particularly described as follows:**

6 **A strip of land 95 ft. wide being 40 ft. wide on the left or**
7 **north side of, and 55 ft. wide on the right or south side of,**
8 **parallel to and adjoining the centerline of State Highway**
9 **Route U.S. 50, leading from Kansas City to St. Louis,**
10 **Missouri beginning at the west property line of said first**
11 **party or Sta. 503+50 and continuing to Sta. 512+00, a**
12 **distance of 830.8 ft. thence widening to a strip of land 100**
13 **ft. wide being 45 ft. wide on the left or north side of and 55**
14 **ft. wide on the right or south side of said centerline from**
15 **Sta. 512+00 to Sta. 516+00, a distance of 400 ft. thence**
16 **narrowing to a strip of land 80 ft. wide being 40 ft. wide on**
17 **each side of said centerline from Sta. 516+00 to the south**
18 **property line of said first party or Sta. 520+00 being a**
19 **distance of 400 ft., also a strip of land 50 ft. wide for**
20 **connection of said highway and the present road, said**
21 **strip of land extending a distance of 75 ft. more or less in**
22 **an easterly direction from said left or north right-of-way**
23 **line at or near Sta. 520+ and as shown on the plans for said**

24 highway, as surveyed, located and platted by the State
 25 Highway Department thru the S.½ of N.W.¼ of Sec. 7 T 43
 26 N-R 8 W; as shown by a plat of said survey now on file with
 27 the Clerk of the County Court of Osage County, Missouri.

28 2. The commissioner of administration shall set the terms and
 29 conditions for the sale as the commissioner deems reasonable. Such
 30 terms and conditions may include, but not be limited to, the number of
 31 appraisals required, the time, place, and terms of the sale.

32 3. The attorney general shall approve the form of the instrument
 33 of conveyance.

Section 4. 1. The governor is hereby authorized and empowered
 2 to sell, transfer, grant, convey, remise, release, and forever quitclaim
 3 all in Madison County to the state highways and transportation
 4 commission. The property to be conveyed is more particularly
 5 described as follows:

6 Beginning at a point 114.7 feet south 82 1/2° east of the
 7 southwest corner of U.S.P.S. 350, Township 33 north, Range
 8 7 east, and on the centerline of the survey made by the
 9 State Highway Commission for Route 67, Madison County,
 10 and shown on the plan thereof – a copy of which is on file
 11 with the Clerk of the County Court of Madison County –
 12 the said point being known as Station 250+74 and on the
 13 arc of a 0° 30' curve to the right; the tangent of which
 14 bears north 0° 18' east at this point, thence along the said
 15 arc 2041.6 feet thence north 10° 30' east, 1458.4 feet to a
 16 point on the said centerline known as Station 215+74 and
 17 there terminating.

18 A strip of land lying on each side of, and adjacent to the
 19 above described centerline as follows:

			Width Right	Width Left
Station to	Station	Distance (East)	(West)	
250+74	235+00	1574 Feet	50 Feet	
235+00	230+00	500 "	65 "	50 Feet
230+00	228+80	120 "	80 "	50 "
228+80	224+50	430 "	80 "	80 "
224+50	224+00	50 "	80 "	50 "
224+00	215+74	826 "	50 "	50 "

28 and all of U.S.P.S. 350 lying west of the said centerline
29 from Station 250+74 to Station 235+00.

30 Also strips of land 10 feet wide lying on each side of and
31 adjacent to the above described right-of-way being on the
32 right (east) side from Station 224+00 to Station 217+00 and
33 on the left (west) side from Station 220+50 to Station
34 218+00, upon which the parties of the first part grant,
35 convey_ and warrant_ for themselves, and their heirs,
36 successors and assigns, unto the State, its agents,
37 successors or assigns, the right, easement and privilege to
38 construct and maintain on the land described in this
39 paragraph all such extensions of any slopes from roadbed
40 cuts or fills which may be necessary to taper out such
41 slopes; only the above rights in, and not the fee title to,
42 such land is hereby conveyed, and the grantors shall have
43 the unrestricted right to fence, use and control such land
44 in any way they desire, so long as the same does not
45 interfere with the rights hereby granted.

46 Also 0.20 acre being a tract or parcel of land lying on the
47 right (east) side of and adjacent to the right-of-way
48 described above being 70 feet wide from Station 226+50 to
49 Station 225+25, upon which the party of the second part is
50 granted only the right to enter for the purpose of
51 constructing and opening a channel and using the
52 excavation therefrom in grading the State Highway. The
53 said party of the second part is also granted the right to
54 enter upon the said land of the parties of the first part as
55 often as may be necessary for the purpose of maintaining
56 and keeping open the said channel, the parties of the first
57 part or their successors otherwise to have the free,
58 uninterrupted and absolute use of said land.

59 All lying in U.S.P.S. 350, Township 33 north, Range 7 east
60 of the 5th P.M. in Madison County, Missouri and containing
61 10.15 acres.

62 2. The commissioner of administration shall set the terms and
63 conditions for the sale as the commissioner deems reasonable. Such

64 terms and conditions may include, but not be limited to, the number of
65 appraisals required, the time, place, and terms of the sale.

66 3. The attorney general shall approve the form of the instrument
67 of conveyance.

Section 5. 1. The governor is hereby authorized and empowered
2 to sell, transfer, grant, convey, remise, release and forever quitclaim all
3 interest of the state of Missouri in real property located in Greene
4 County to the state highways and transportation commission. The
5 property to be conveyed is more particularly described as follows:

6 Right of way for State Highway Route 60.

7 That part of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec.
8 10, Twp. 28N, R23W, south and east of the Frisco Railroad
9 right of way and southwest of State Highway Route M,
10 being in a tract of land 172 feet wide, except as noted, 57
11 feet of which, except as noted, is on the left or
12 northwesterly side, and 115 feet, except as noted, on the
13 right or southeasterly side of, adjacent to, parallel with
14 and measured from the surveyed center line of the survey
15 of the Missouri State Highway Department for said Route
16 60, which surveyed center line is described as follows:

17 1. Beginning at a point approximately 47 feet south and 16
18 feet east of the southwest corner of the said NW $\frac{1}{4}$ of SE $\frac{1}{4}$
19 of Sec. 10, at survey station 178+50, thence N 56°14'E 1635
20 feet to station 194+85, which station is approximately 462
21 feet south and 30 feet east of the northeast corner of said
22 NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10.

23 Containing 5.74 acres, more or less, new right of way.

24 2. Also beginning on the left side of item 1, opposite
25 station 191+28.3, thence N 4°02'E 255 feet, thence S 85°43'W
26 approximately 77.5 feet to the southeasterly boundary of
27 the railroad right of way, thence in a southwesterly
28 direction with said boundary to the south side of the said
29 NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Sec. 10, thence east approximately 20
30 feet to item 1, thence N 56°14'E with item 1, 1375 feet to the
31 point of beginning.

32 Containing 3.04 acres, more or less, new right of way.

15 one hundred eight-six and twenty-eight hundredths
16 (1186.28) feet, and extending two hundred twenty-eight
17 (228) feet, thence north 47° 19' east one thousand twenty-
18 nine and two tenths (1029.2) feet, thence easterly on a
19 curve having a radius of one thousand one hundred six
20 and twenty-eight hundredths (1106.28) feet, and extending
21 eight hundred forty-eight and sixty-seven hundredths
22 (848.67) feet, thence easterly twenty-five and thirteen
23 hundredths (25.13) feet, thence north forty (40) feet, thence
24 west three hundred fifty (350) feet, thence southwesterly
25 on a curve having a radius of one thousand one hundred
26 eighty-six and twenty-eight hundredths (1186.28) feet, and
27 extending two hundred seventy (270) feet, thence
28 northwesterly five (5) feet, thence southeasterly on a curve
29 having a radius of one thousand one hundred ninety-one
30 and twenty-eight hundredths (1191.28) feet, and extending
31 two hundred ninety (290) feet, thence south 47° 19' west a
32 distance of forty-five (45) feet, thence southeasterly five (5)
33 feet, thence south 47° 19' west four hundred eighty (480)
34 feet, thence westerly twenty-four (24) feet thence south
35 fifteen (15) feet, thence easterly ten (10) feet, thence south
36 47° 19' west a distance of four hundred fifty-three (453) feet
37 thence southwesterly on a curve having a radius of one
38 thousand one hundred six and twenty-eight hundredths
39 (1106.28) feet a distance of one-hundred seventy (170) feet,
40 thence south fifty (50) feet to the point of beginning.

41 Said parcel of land being in and a part of the north
42 one-half of the southeast quarter of Section thirty-five (35),
43 Township sixty-one (61) north, Range thirty-five (35) west
44 and comprising three and ninety hundredths (3.90) acres.

45 Tract 2

46 A parcel of land bounded by a line beginning at a
47 point on the centerline of the surveyed State highway at
48 Station 217+00, said point being eight hundred ninety-
49 seven and forty-nine hundredths (897.49) feet west of the
50 quarter section corner east side of Section thirty-five (35),
51 Township sixty-one (61) north, Range thirty-five (35) west,

89 State Highway Route 48, thence south $47^{\circ}11'$ west along
90 said westerly right of way line three hundred (300) feet,
91 thence northeasterly to the right on the arc of a curve
92 having a radius of one thousand one hundred ninety-one
93 and twenty-eight hundredths (1191.28) feet, and extending
94 a distance of one hundred eighty (180) feet, thence
95 southeasterly and at right angles a distance of five (5) feet,
96 thence northeasterly to right on the arc of a curve having
97 a radius of one thousand one hundred eight-six and
98 twenty-eight hundredths (1186.28) feet and extending a
99 distance of two hundred seventy (270) feet to a point on
100 the north line of the southeast quarter of said Section
101 thirty-five (35), thence west to said point of
102 beginning. Said tract is for right of way and contains
103 thirty-three hundredths (0.33) of an acre.

104 Tract 5

105 That part of the northeast quarter of Section thirty-five
106 (35), Township sixty-one (61), Range thirty-five (35) west,
107 found by

108 Starting at a point on the centerline of State Highway
109 Route 48, at Station 212+71.2, which is approximately one
110 thousand three hundred fifty-seven and six tenths (1357.6)
111 feet west of the southeast corner of the northeast quarter
112 of said section thirty-five (35), thence following said
113 centerline north $47^{\circ}11'$ east one thousand twenty-eight and
114 seven tenths (1028.7) feet to Station 222+99.9, a P.C., thence
115 northerly to the left on the arc of a $5^{\circ}00'$ curve seven
116 hundred sixty-two (762) feet to Station 250+61.9, a P.T. ,
117 thence north $9^{\circ}05'$ east one thousand two hundred ninety-
118 seven and one tenth (1297.1) feet to Station 245+59, which
119 is on defendants' north property line, and is approximately
120 forty (40) feet west of the northeast corner of said Section
121 thirty-five (35).

122 Tract #1, being all of defendants' land lying within forty
123 (40) feet to each side of the above described centerline
124 from said Station 212+71.2 to Station 219+00, thence
125 continuing with sixty (60) feet to left and widening

126 uniformly to fifty (50) feet to right of said centerline at
127 Station 220+00, thence continuing with sixty (60) feet to
128 left and fifty (50) feet to right of said centerline to Station
129 220+50, thence continuing with forty (40) feet to left and
130 narrowing uniformly to forty (40) feet to right of said
131 centerline at Station 221+50, thence continuing with forty
132 (40) feet to each side of said centerline to said Station
133 245+59, Said tract is for right of way and contains five and
134 seventy-seven hundredths (5.77) acres.

135 Tract #2, being thirty (30) feet wide by one hundred (100)
136 feet long to left of the above described right of way (or
137 Tract #1) from opposite Station 235+00 to opposite Station
138 254+00, at an angle of 90° from said centerline. Said tract
139 contains seven hundredths (0.07) of an acre, and is for
140 changing the channel of a stream and providing for
141 drainage ditches necessary for the proper construction and
142 maintenance of said State Highway. Plaintiff only seeks
143 the right to enter upon said tract of land for the purpose
144 of constructing and opening said drainage ditches and
145 channel change, using the excavation therefrom in grading
146 said highway and for filling portions of the old channel;
147 also the right to enter upon said parcel of land when
148 necessary to maintain and keep open said ditches; the
149 defendants, their successors or assigns to otherwise have
150 the free, uninterrupted and absolute use of said Tract #2.

151 2. The commissioner of administration shall set the terms and
152 conditions for the sale as the commissioner deems reasonable. Such
153 terms and conditions may include, but not be limited to, the number of
154 appraisals required, the time, place, and terms of the sale.

155 3. The attorney general shall approve the form of the instrument
156 of conveyance.

Section 7. 1. The governor is hereby authorized and empowered
2 to sell, transfer, grant, convey, remise, release and forever quitclaim all
3 interest of the state of Missouri in real property located in Ozark
4 County to the state highways and transportation commission. The
5 property to be conveyed is more particularly described as follows:

7 All that part of the following tract:

8 Northwest quarter of the southeast quarter (NW $\frac{1}{4}$
9 SE $\frac{1}{4}$)

10 Of Section 15, Township 22 North, Range 16 West

11 Which lies within a distance of 40 feet on each side of the
12 centerline of State highway designated as Route SC,
13 leading from Route 5, west of Gainesville, westerly to the
14 Ozark-Taney County line, as the same was located,
15 surveyed and platted by the State Highway Department, as
16 shown on plans duly approved by the State Highway
17 Commission, a copy of which is now on file with the Clerk
18 of the County Court in and for Ozark County.

19 Said centerline being described as follows:

20 Beginning at a point on the west boundary of said tract,
21 distant 650 feet, more or less, north of the southwest
22 corner thereof, at or near Station 201+60; thence run north
23 49° 14' east, 526.9 feet; thence deflect to the right on a 4°
24 curve, (delta angle 40° 22') 1009.2 feet; thence on tangent to
25 said curve north 89° 36' east, 18.9 feet, more or less, to a
26 point on the east boundary of said tract, distant 5 feet,
27 more or less, south of the northeast corner thereof, and
28 there terminating at or near Station 217+15.

29 Containing 2.86 acres, more or less.

30 2. Also the following parcel of land adjoining the above
31 described right of way tract, extending between the
32 stations indicated to the widths shown below:

33 Left: Station 202+01 to 202+27, 26 feet long by 30 feet wide
34 on a 40° skew to the right

35 3. Also all that part of said tract lying northerly of the
36 above described strip, and easterly of a line described as
37 follows:

38 Beginning at a point on the left or northerly line of said
39 above described strip, opposite Station 211+00; thence run
40 northwesterly normal to said centerline to its intersection
41 with the northerly boundary of said tract, and there
42 terminating.

43 Item 2 has an area of 0.02 acre, more or less, and is for the
44 purpose of a ditch outlet, to which the State Highway
45 Department only seeks the right to enter upon land of said
46 owners for the purpose of constructing and opening said
47 ditch, using excavation therefrom in grading said highway,
48 and entering upon the said parcel of land as often as may
49 be necessary to maintain and keep open said ditch;
50 providing the owners shall otherwise have the free,
51 absolute and uninterrupted use of said land.

52 Item 3 has an area of 0.29 acre, more or less, and is for the
53 purpose of permanent right of way.

54 Tract 2

55 All that part of the following tract:

56 South half of the northeast quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$)

57 Of Section 15, Township 22 North, Range 16 West

58 Which lies within a distance of 40 feet on the northerly
59 side of the centerline of State highway designated as Route
60 SC, leading from Route 5, west of Gainesville, westerly to
61 the Ozark-Taney County line, as the same was located,
62 surveyed and platted by the State Highway Department, as
63 shown on plans duly approved by the State Highway
64 Commission, a copy of which is now on file with the Clerk
65 of the County Court in and for Ozark County.

66 Said centerline being described as follows:

67 Beginning at a point distant 38 feet, more or less, south
68 and 330 feet, more or less, west of the southeast corner of
69 the southwest quarter of the northeast quarter of said
70 Section 15, at or near Station 213+80; thence from a
71 tangent bearing north 76° 58' east, deflect to the right on
72 a 4° curve, 316.1 feet; thence on tangent to said curve north
73 89° 36' east, 1368.9 feet, more or less, to a point on the
74 extended east boundary of the southeast quarter of the
75 northeast quarter of said Section 15, distant 10 feet, more
76 or less, south of the southeast corner thereof, and there
77 terminating at or near Station 230+65

78 Containing 0.25 acre, more or less, new right of way
79 and 0.99 acre, more or less, old right of way

80 (There is excepted from the above described strip, a strip
81 of land 10 feet in width, lying adjacent to and southerly of
82 the northerly line of said strip, and extending from Station
83 227+00 to the east boundary of the property).

84 2. Also the following parcel of land adjoining the above
85 described right of way tract, extending between the
86 stations indicated to the widths shown below:

87 Left: Station 222+50 to 225+50, 300 feet long by 5 feet wide
88 Item 2 has an area of 0.03 acre, more or less, and is for the
89 purpose of permanent right of way.

90 2. The commissioner of administration shall set the terms and
91 conditions for the sale as the commissioner deems reasonable. Such
92 terms and conditions may include, but not be limited to, the number of
93 appraisals required, the time, place, and terms of the sale.

94 3. The attorney general shall approve the form of the instrument
95 of conveyance.

Section B. Because of the need to ensure that motorists who were issued
2 valid special license plates are legally registered within the state of Missouri and
3 because of the need to avoid unnecessary administrative license plate recalls, the
4 repeal and reenactment of section 301.449 of this act is deemed necessary for the
5 immediate preservation of the public health, welfare, peace and safety, and is
6 hereby declared to be an emergency act within the meaning of the constitution,
7 and the repeal and reenactment of section 301.449 of this act shall be in full force
8 and effect upon its passage and approval.

Copy ✓